

D. United Nations Protection Force⁴⁵⁷

Decision of 19 February 1993 (3174th meeting): resolution 807 (1993)

On 10 February 1993, pursuant to resolution 743 (1992), the Secretary-General submitted to the Security Council a further report on the United Nations Protection Force (UNPROFOR).⁴⁵⁸ The report was intended to provide a basis for the Security Council to take appropriate action on the future of the Force before its mandate expired on 21 February 1993. It focused primarily on the options available to the Council in relation to the UNPROFOR mandate in Croatia.

The Secretary-General observed that while the non-cooperation of the local Serb authorities had seriously retarded the implementation of the United Nations peace-keeping plan, the Croatian offensive on and after 22 January 1993 had significantly altered the realities on the ground. Following the offensive, the President of Croatia had indicated publicly that his Government was also prepared to invade the United Nations Protected Areas if UNPROFOR was unable to fulfil its mandate there. For its part, the Serb leadership in the United Nations Protected Areas had rearmed and remobilized its force in response to the Croatian offensive. In addition, the circumstances in which the peacekeeping plan had been drafted and agreed had themselves changed. The plan had been envisaged as an interim arrangement pending an overall political solution to the Yugoslav crisis. The Government of Croatia claimed there was no longer any "overall political solution" to negotiate. The only issue, in its view, was the return of the Protected Areas and the "pink zones" to Croatian control, with the Serb minority enjoying the rights granted by the Croatian Constitution and other legal instruments. The Serb leadership in the Protected Areas, however, refused to

consider those territories to be part of Croatia and rejected talks on that basis. It further argued that the two parties to the original plan no longer have any locus standi in the area where UNPROFOR was deployed. The mandate and deployment of UNPROFOR must now be discussed with them as the sovereign "Republic of Serb Krajina".

Noting that these positions appeared to be irreconcilable, the Secretary-General proposed the following options with regard to the UNPROFOR mandate: (a) to renew the mandate entrusted to UNPROFOR by resolution 743 (1992); (b) to modify that mandate; or (c) to give UNPROFOR no mandate in Croatia. Analysis of these options, however, did not indicate any clear way forward in a difficult situation not foreseen when the Security Council had decided to establish UNPROFOR. Two factors needed to be addressed before taking any decision regarding UNPROFOR. The first was the failure to implement the peacekeeping plan. The second was that it had not been possible to negotiate an agreed settlement to the conflict between Croatia and the Serbs populations living in the United Nations Protected Areas and the pink zones. He had therefore asked the Co-Chairmen of the Steering Committee of the International Conference on the former Yugoslavia to address those questions urgently, so that he could make a substantive recommendation for an extension of the UNPROFOR mandate. As it was unlikely that those results could be achieved by 21 February 1993, when the existing UNPROFOR mandate was due to expire, the Secretary-General recommended that the Security Council extend the mandate of the Force for an interim period, until 31 March 1993.

At its 3174th meeting, on 19 February 1993, the Council included the further report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representative of Croatia, at his request, to participate in the discussion without the right to vote. The Council also invited Ambassador Dragomir Djokic, at his request, to address the Council in the course of the discussion. The President (Morocco) then drew the attention of the Council members to the text of a draft resolution that

⁴⁵⁷ This item was initially considered under the title "Report of the Secretary-General pursuant to resolution 743 (1992)". It was reformulated to read "United Nations Protection Force (UNPROFOR)" as from the 3248th meeting, held on 30 June 1993.

⁴⁵⁸ S/25264 and Corr.1.

had been prepared in the course of the Council's prior consultations⁴⁵⁹ and to several other documents.⁴⁶⁰

The representative of Croatia stated that his Government supported the Secretary-General's proposal for the provisional extension of the UNPROFOR mandate, as it would provide enough time for negotiations concerning all aspects of the UNPROFOR operation and for full implementation of the Vance plan. Referring to his letter dated 12 February 1993, he stressed that future United Nations operations in Croatia must be based on the following basic elements: complete demilitarization of the United Nations Protected Areas and pink zones; voluntary return of the refugees; control of Croatian international borders; confidence-building measures as a part of the process of reintegration of the Protected Areas and the pink zones into the Croatian State; and protection of national minorities and other human rights. Croatia was prepared to implement Security Council resolution 802 (1993) as a first step in the demilitarization process that would be fully established through the implementation of resolutions 762 (1992) and 769 (1992) and that would enable a comprehensive political solution under the auspices of the Conference on the Former Yugoslavia. Before concluding, the speaker expressed confidence that future decisions of the Council would give added credibility to the UNPROFOR operation, and would provide it with effective mechanisms to attain the goals foreseen in the Vance plan.⁴⁶¹

Mr. Djokic contended that the recent aggression of the Croatian Army against the United Nations

Protected Areas, UNPROFOR and the Serb civilian population, represented a flagrant violation of the Vance peace plan and of relevant Security Council resolutions, including resolutions 724 (1991) and 762 (1992). He argued that Croatia had ignored recent decisions of the Council, such as resolution 802 (1993) and the presidential statement of 27 January 1993, and that the Council had an obligation to take all appropriate measures, including those envisaged in Chapter VII, to make Croatia honour the Charter of the United Nations and all relevant Security Council resolutions. For its part, the Federal Republic of Yugoslavia had fulfilled all obligations undertaken under the Vance plan and supported further engagement of UNPROFOR and full implementation of resolution 802 (1993). The speaker further argued that UNPROFOR had proved to be justified, thus creating the basic prerequisites for all open questions to be resolved. The Federal Republic of Yugoslavia had expected the UNPROFOR mandate to be extended for a year, however it supported the proposal contained in the draft resolution. It hoped that in the meantime the necessary conditions would be created so that the mandate could be further extended, as envisioned by the plan, until a comprehensive and peaceful solution was reached.⁴⁶²

Speaking before the vote, the representative of France stated that the security of UNPROFOR personnel was a priority for his Government, in considering the question of renewing the UNPROFOR mandate. Recent events in Croatia had demonstrated that there was an overriding need to endow the Force with both the legal basis and the military means to ensure its self-defence. In the circumstances, the Council's only option was to extend the mandate for an interim period of six weeks, but even for that brief period it had been "unthinkable" to extend the mandate in its current form. The French delegation had therefore proposed a draft resolution placing UNPROFOR within the framework of Chapter VII of the Charter, and it had suggested a series of concrete measures to ensure greater stability in the areas where UNPROFOR was deployed. The reference to Chapter VII was not designed to change the nature of the Force from peacekeeping to peacemaking. Rather, the sole

⁴⁵⁹ S/25306.

⁴⁶⁰ Letters dated 5 January and 12 February 1993, respectively, from the representative of Croatia addressed to the Secretary-General (S/25062 and S/25288); letter dated 29 January 1993 from the representative of Yugoslavia addressed to the Secretary-General (S/25193); letters dated 1 and 3 February 1993, respectively, from the representative of Yugoslavia addressed to the President of the Security Council (S/25218 and S/25237); letter dated 26 January 1993 from the representatives of France, Spain and the United Kingdom addressed to the President of the Security Council, transmitting the text of the statement on the former Yugoslavia adopted by the European Community on 25 January 1993 (S/25222); and letter dated 5 February 1993 from the representative of Turkey addressed to the Secretary-General (S/25246).

⁴⁶¹ S/PV.3174, pp. 3-6.

⁴⁶² *Ibid.*, pp. 6-13.

consideration was “preventive security”, which was reflected in the text of the draft resolution.⁴⁶³

The representative of China said that the UNPROFOR mandate should be extended for an interim period. His delegation shared the concern of other delegations relating to the threat posed to the security of Force personnel and it supported the Secretary-General’s taking appropriate measures to strengthen the security of UNPROFOR personnel. In the light of that consideration, and of the fact that it had been repeatedly stated that the purpose of invoking Chapter VII of the Charter in the draft resolution was to take measures to increase appropriately the UNPROFOR self-defence capability, his delegation would vote in favour of the draft resolution. The speaker, however, pointed out that UNPROFOR was a peacekeeping operation and that Chapter VII had not been invoked either in resolution 743 (1992) or in subsequent resolutions relating to the matter, nor did the Secretary-General’s report contained such request. The question could have been settled through the expanded concept of self-defence and rules of engagement, and by taking appropriate measures without invoking Chapter VII. China wished to place on record its understanding that the practice of invoking Chapter VII was exceptional and did not constitute a precedent for future peacekeeping operations.⁴⁶⁴

The representative of the Russian Federation stated that his delegation considered the demand contained in the draft resolution for the rapid implementation of resolution 802 (1993) and other resolutions to be extremely important. It was important to exert a “balanced influence” over those involved in the Yugoslav crisis, in the interest of prompt settlement. The Russian Federation believed that, should Croatia fail to meet the demands contained in resolution 802 (1993) and other Security Council resolutions, sanctions under Chapter VII of the Charter should also be applied to Croatia. The Russian Federation also supported the provisions in the draft resolution that sought to strengthen the security of UNPROFOR personnel.⁴⁶⁵

⁴⁶³ Ibid., pp. 13-15.

⁴⁶⁴ Ibid., pp. 19-21.

⁴⁶⁵ Ibid., pp. 21-23.

The draft resolution was then put to the vote and adopted unanimously as resolution 807 (1993), 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 considered the report of the Secretary-General of 10 February 1993,

Deeply concerned by the lack of cooperation of the parties and others concerned in implementing the United Nations peacekeeping plan in Croatia,

Deeply concerned also by the recent and repeated violations by the parties and others concerned of their ceasefire obligations,

Determining that the situation thus created constitutes a threat to peace and security in the region,

Noting in that context the request of the Secretary-General to the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, mentioned in his report, to establish as soon as possible, through discussions with the parties, a basis on which the mandate of the Force could be renewed,

Determined to ensure the security of the Force, and to this end acting under Chapter VII of the Charter of the United Nations,

1. *Demands* that the parties and others concerned comply fully with the United Nations peacekeeping plan in Croatia and with the other commitments they have undertaken and in particular with their ceasefire obligations;

2. *Demands also* that the parties and others concerned refrain from positioning their forces in the proximity of units of the United Nations Protection Force in the United Nations Protected Areas and in the pink zones;

3. *Demands* the full and strict observance of all relevant Security Council resolutions relating to the mandate and operations of the Force in the Republic of Bosnia and Herzegovina;

4. *Demands further* that the parties and others concerned respect fully unimpeded freedom of movement of the Force, enabling it, inter alia, to carry out all necessary concentrations and deployments, all movements of equipment and weapons and all humanitarian and logistical activities;

5. *Decides*, in the context of these demands, to extend the mandate of the Force for an interim period terminating on 31 March 1993;

6. *Urges* the parties and others concerned fully to cooperate with the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia in the

discussions under their auspices in order to ensure full implementation of the United Nations peacekeeping mandate in Croatia, including, *inter alia*, through the collection and supervision of heavy weapons by the Force and the appropriate withdrawal of forces;

7. *Invites* the Secretary-General to work to achieve the rapid implementation of the United Nations peacekeeping mandate and of relevant Security Council resolutions, including resolution 802 (1993) of 25 January 1993, thus to ensure security and stability throughout the Protected Areas and the pink zones;

8. *Also invites* the Secretary-General, during the interim period and in consultation with the force contributing States, to take, in accordance with paragraph 17 of his report, all appropriate measures to strengthen the security of the Force, in particular by providing it with the necessary defensive means, and to study the possibility of carrying out such local redeployment of military units as is required to ensure their protection;

9. *Requests* the Secretary-General to submit a report on the further extension of the mandate of the Force, including financial estimates for all its activities as proposed in his report of 10 February 1993;

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

**Decision of 30 March 1993 (3189th meeting):
resolution 815 (1993)**

On 25 March 1993, pursuant to resolution 807 (1993), the Secretary-General submitted to the Council a report on the further extension of the UNPROFOR mandate.⁴⁶⁶ The Secretary-General informed the Council that in accordance with resolution 807 (1993), the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia had held several rounds of talks, in New York and Geneva, with representatives of the Government of Croatia and the Serb population living in the United Nations Protected Areas and the pink zones. While some progress had been made in the talks, fundamental differences remained. It appeared, therefore, that more time would be needed to bring the negotiations to a meaningful conclusion. However, as any termination of the UNPROFOR presence in Croatia would entail the strong likelihood of an outbreak of renewed hostilities, the Secretary-General recommended that the Force's mandate be extended for a further interim period of three months. In the meantime, the Secretary-General had requested the Co-Chairmen to continue their efforts to obtain renewed commitment by the parties to

⁴⁶⁶ S/25470 and Add.1.

the United Nations peacekeeping plan and to the implementation of resolution 802 (1993) and other relevant resolutions.

At its 3189th meeting, held on 30 March 1993, the Council continued its discussion under the item entitled "Report of the Secretary-General pursuant to Security Council resolution 807 (1993)". Following the adoption of the agenda, the Council invited the representative of Croatia, at his request, to participate in the discussion without the right to vote. The President (New Zealand) then drew the attention of the Council members to the text of a draft resolution that had been prepared in the course of the Council's prior consultations,⁴⁶⁷ to the report of the Secretary-General and to several other documents.⁴⁶⁸

Speaking before the vote, the representative of France stated that his delegation welcomed the draft resolution, which strengthened the recourse to Chapter VII by extending it to the question of the freedom of movement of UNPROFOR. The draft resolution also extended the Force's mandate for an interim period and provided that the Council would reconsider the situation of UNPROFOR within one month and, if necessary, would draw the appropriate conclusions. He warned that, should the fighting continue, a series of firm measures would have to be considered and implemented. These measures could include: the use of all necessary measures to strengthen the monitoring of the embargo, or the adoption of new measures; the deployment or reinforcement of observers on the Bosnian-Croatian border; the broadening of the application of Chapter VII when the mandate of the Force was next renewed; or, if the situation called for it, the partial or total withdrawal of the Force. The speaker concluded by stating that the

⁴⁶⁷ S/25481.

⁴⁶⁸ Letter dated 1 March 1993 from the representative of Croatia addressed to the President of the Security Council (S/25350); letters dated 22 and 26 March 1993, respectively, from the representative of Croatia addressed to the President of the Security Council (S/25454 and S/25477); letter dated 19 March 1993 from the representative of Croatia addressed to the Secretary-General (S/25447); letters dated 8 March 1993 from the representative of Yugoslavia addressed to the Secretary-General (S/25381 and S/25382); and letter dated 22 March 1993 from the representative of Yugoslavia addressed to the President of the Security Council (S/25449).

principle of respect for Croatia's territorial integrity must be solemnly established.⁴⁶⁹

The draft resolution was then put to the vote and adopted unanimously as resolution 815 (1993), 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,

Reaffirming in particular its commitment to ensure respect for the sovereignty and territorial integrity of Croatia and of the other Republics where the Force is deployed,

Having considered the report of the Secretary-General of 25 and 26 March 1993,

Deeply concerned at the continuing violations by the parties and others concerned of their ceasefire obligations,

Determining that the situation thus created continues to constitute a threat to peace and security in the region,

Determined to ensure the security of the Force and its freedom of movement for all its missions, and to these ends acting under Chapter VII of the Charter of the United Nations,

1. *Approves* the report of the Secretary-General, in particular its paragraph 5;

2. *Reaffirms* all the provisions of its resolutions 802 (1993) of 25 January 1993 and 807 (1993) of 19 February 1993;

3. *Decides* to reconsider one month after the date of the adoption of the present resolution, or at any time at the request of the Secretary-General, the mandate of the United Nations Protection Force in the light of developments of the International Conference on the Former Yugoslavia and the situation on the ground;

4. *Decides*, in this context, further to extend the mandate of the Force for an additional interim period terminating on 30 June 1993;

5. *Supports* the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia in their efforts to help to define the future status of those territories comprising the United Nations Protected Areas, which are integral parts of the territory of the Republic of Croatia, and demands full respect for international humanitarian law, and in particular the Geneva Conventions, in these Areas;

6. *Requests* the Secretary-General to report urgently to the Security Council on how the United Nations peace plan for Croatia can be effectively implemented;

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

⁴⁶⁹ S/PV.3189, pp. 3-6.

Speaking after the vote, the representative of Hungary stated that his country had voted in favour of resolution 815 (1993), even though it could not yet indicate the tasks that the United Nations would have to bear in the future in the settlement of the crisis of the former Yugoslavia. He further noted that his delegation did not regard the resolution just adopted as merely a technical extension of the UNPROFOR mandate for another three months. The resolution again reaffirmed that any future mandate must be based on respect for the sovereignty and territorial integrity of Croatia, and that the United Nations Protected Areas were an integral part of the territory of the Republic of Croatia. The Security Council was therefore clearly establishing the framework within which the parties in Croatia would continue political negotiations.⁴⁷⁰

The representative of the United States welcomed the resolution just adopted, which recognized that UNPROFOR was doing its best to contain the fighting and to create conditions for the peaceful resolution of the conflict. Unfortunately, United Nations efforts had not been totally successful. In Croatia, for example, the inability of UNPROFOR to implement the United Nations peacekeeping plan had been partially responsible for the renewal of fighting. That was why the Council was acting to create conditions for the complete implementation of that plan. The United States also believed it important to stress that the United Nations Protected Areas were integral parts of Croatia.⁴⁷¹

The representative of China noted that his delegation supported the principles contained in the resolution just adopted, particularly that of ensuring the sovereignty and territorial integrity of Croatia. He also reiterated his country's position that the application of Chapter VII of the Charter was due to the special and specific needs of Croatia and that it should not constitute a precedent for the peacekeeping operations of the United Nations.⁴⁷²

**Decision of 30 June 1993 (3248th meeting):
resolution 847 (1993)**

On 15 May 1993, pursuant to resolution 815 (1993), the Secretary-General submitted to the Council a report containing an interim assessment of

⁴⁷⁰ *Ibid.*, pp. 8-12.

⁴⁷¹ *Ibid.*, p. 12.

⁴⁷² *Ibid.*, pp. 14-16.

developments relating to the UNPROFOR mandate in Croatia.⁴⁷³

The Secretary-General noted that developments since the establishment of UNPROFOR had done little to alleviate his original apprehension that there remained a number of unanswered questions about the extent to which the Force would receive the necessary cooperation. The Serb side had taken the presence of UNPROFOR as a licence to freeze the status quo in place, under UNPROFOR “protection” while establishing a “state” of the “Republic of Serb Krajina” in the UNPROFOR area of responsibility. The Croatian side, meanwhile, had insisted that since the plan was drafted, the “overall political solution” that was sought at the time had been found with the recognition of Croatia and its admission to the United Nations; the Serbs must therefore accept the authority of Zagreb, which they had rebelled against in the first place.

The Secretary-General further noted that while UNPROFOR had succeeded in ensuring the complete withdrawal from the United Nations Protected Areas, it had not been able to fulfil other aspects of the original peacekeeping plan. The Serbs had failed to demilitarize the Protected Areas and as a result, little progress had been made towards the return of refugees and displaced persons to their homes in the Protected Areas. They had also refused to cooperate with UNPROFOR in the implementation of resolutions 762 (1992) and 769 (1992). They had imposed restrictions on the UNPROFOR monitoring function. The Croatian side, in turn, had manifested its impatience with the United Nations, launching military offensives across the line of confrontation. The view of the Government of Croatia was that UNPROFOR should be given enforcement powers to oblige the Serbs to comply with Security Council resolutions, and to do so with specific objectives against a set timetable, failing which the Government had made it clear it would not agree to further extensions of the UNPROFOR mandate. In the light of the virtually irreconcilable differences between the parties, the Secretary-General proposed the following options: (a) to declare the mandate unworkable and to withdraw the Force; (b) to accept the Croatian view and approve enforcement action to exact compliance from the Serbs; and (c) to leave UNPROFOR in place, with no change in mandate but with limited enhancements of its military capacity. In

⁴⁷³ S/25777 and Corr.1 and Add.1.

addition, he proposed certain enhancements to the strength of UNPROFOR.⁴⁷⁴

The Secretary-General, however, decided to await a report from the Co-Chairman of the Steering Committee of the International Conference on the Former Yugoslavia and Special Representative in the former Yugoslavia before making any recommendations to the Council. The Secretary-General also underscored the importance of pursuing, as soon as possible and parallel to the work of the peacekeeping force, a process of active negotiation under the auspices of the Conference, in order to find long-term political solutions to the question of the United Nations Protected Areas and the relationship between Croats and Serbs in Croatia.

On 24 June 1993, pursuant to resolution 815 (1993), the Secretary-General submitted a further report on UNPROFOR.⁴⁷⁵ The report focused primarily on the activities of UNPROFOR in Croatia, as developments in the former Yugoslav Republic of Macedonia and in Bosnia and Herzegovina appeared to warrant an extension of the Force’s mandate in those areas.

The Secretary-General reported that, although intensive efforts had been made by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia and by UNPROFOR, no significant progress had occurred. At the same time, the presence of UNPROFOR was indispensable to control the conflict and to foster a climate in which negotiations between parties could be promoted. The continued presence of UNPROFOR could be justified by the fact that it was playing a role in preventing the resumption or escalation of conflict, by providing a “breathing space” for the continued efforts of the Co-Chairmen, and by supporting the provision of essential humanitarian assistance to the victims of the conflict. According to the Co-Chairmen, the termination of the mandate would risk the resumption of a major conflict in the region and cause severe adverse consequences for humanitarian relief operations. In view of those considerations, the Secretary-General recommended that UNPROFOR be

⁴⁷⁴ The enhancements (see S/25777, paras. 22, 24 and 25) were subsequently referred to by the Council in resolution 847 (1993), para. 1. For details relating to the enhancements, see chapter V.

⁴⁷⁵ S/25993.

maintained with its existing mandate, and its mandate be extended for a further period of three months, until 30 September 1993. He noted, however, that significant progress would be required in the “peacemaking” efforts of the Co-Chairmen if a further renewal were to be contemplated. He also warned that, should the threats to the safety of security of United Nations personnel become even more serious, he would have to inform the Council that a viable basis for the continuation of the Force no longer existed.

At its 3248th meeting, on 30 June 1993, the Council included in its agenda the item entitled “United Nations Protection Force (UNPROFOR)”, as well as the above-mentioned reports. Following the adoption of the agenda, the Council invited the representative of Croatia, at his request, to participate in the discussion without the right to vote. The President (Spain) then drew the attention of the Council members to the text of a draft resolution⁴⁷⁶ that had been prepared in the course of the Council’s prior consultations and to several other documents,⁴⁷⁷ including a letter dated 25 June from the representative of Croatia to the Secretary-General. The letter transmitted a letter of the same date from the President of Croatia in which he stated that a limited extension of the UNPROFOR mandate was only partially acceptable, namely, for a period of one month. However, if progress was made during that one-month period, Croatia would be willing to accept the prolongation of the role of UNPROFOR in Croatia under a new mandate. The new mandate must give UNPROFOR the authority and instructions to enforce and implement all the relevant resolutions of the Council in accordance with a specific timetable. Moreover, any agreement on the new mandate could be concluded only between Croatia and the United Nations and be separated from the UNPROFOR mandates in Bosnia and Herzegovina and Macedonia.

The draft resolution was then put to the vote and adopted unanimously as resolution 847 (1993), which reads:

⁴⁷⁶ S/26014.

⁴⁷⁷ Letters dated 18 and 25 June 1993, respectively, from the representative of Croatia addressed to the Secretary-General (S/25973 and S/26002); and letter dated 30 June 1993 from the representative of Hungary addressed to the President of the Security Council (S/26017).

The Security Council,

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

Having considered the reports of the Secretary-General of 15 and 25 May 1993 and of 24 June 1993,

Having considered also the letter dated 26 June 1993 from the President of the Republic of Croatia addressed to the Secretary-General,

Recalling the overwhelming importance of seeking, on the basis of the relevant resolutions of the Security Council, comprehensive political solutions to the conflicts in the territory of the former Yugoslavia, and of sustaining confidence and stability in the former Yugoslav Republic of Macedonia,

Strongly condemning continuing military attacks within the territory of the Republic of Croatia and the Republic of Bosnia and Herzegovina, and reaffirming its commitment to ensure respect for the sovereignty and territorial integrity of Croatia and of the other Member States where the Force is deployed,

Calling on the parties and others concerned to reach an agreement on confidence-building measures in the territory of Croatia, including the opening of the railroad between Zagreb and Split, the highway between Zagreb and Zupanja, and the Adriatic oil pipeline, securing the uninterrupted traffic across the Maslenica straits, and restoring the supply of electricity and water to all regions of Croatia, including the United Nations Protected Areas,

Determined to ensure the security of the Force and its freedom of movement for all its missions, and to these ends, as regards the Force in Croatia and in Bosnia and Herzegovina, acting under Chapter VII of the Charter of the United Nations,

1. *Approves* the report of the Secretary-General of 24 June 1993 and the request for additional resources contained in paragraphs 22, 24 and 25 of his report of 15 May 1993;

2. *Requests* the Secretary-General to report one month after the adoption of the present resolution on progress towards implementation of the United Nations peacekeeping plan for Croatia and all relevant Security Council resolutions, taking into account the position of the Government of Croatia, and decides to reconsider, in the light of that report, the mandate of the United Nations Protection Force in the territory of the Republic of Croatia;

3. *Decides*, in this context, to extend the mandate of the Force for an additional interim period terminating on 30 September 1993;

4. *Requests* the Secretary-General to keep the Security Council regularly informed on developments in regard to the implementation of the mandate of the Force;

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

Decision of 20 August 1993: letter from the President to the Secretary-General

By a letter dated 18 August 1993 addressed to the President of the Security Council,⁴⁷⁸ the Secretary-General reported that, following the necessary training exercises in coordination with the North Atlantic Treaty Organization (NATO), the United Nations now had the initial operational capability for the use of air power in support of the United Nations Protection Force in Bosnia and Herzegovina.

By a letter dated 20 August 1993,⁴⁷⁹ the President of the Security Council informed the Secretary-General of the following:

I have the honour to inform you that I have shared the contents of your letter to me of 18 August 1993, in which you informed me that the United Nations now has the initial operational capability for the use of air power in support of the United Nations Protection Force in Bosnia and Herzegovina, with all members of the Security Council.

Decision of 30 September 1993 (3284th meeting): resolution 869 (1993)

On 20 September 1993, pursuant to resolution 743 (1992), the Secretary-General submitted to the Council a further report on UNPROFOR⁴⁸⁰ to assist the Council in its deliberations on the renewal of the mandate of UNPROFOR.

The Secretary-General reported that the President of Croatia, in a letter to him dated 13 September 1993, had advanced a number of considerations which he wished to be taken into account. One of his suggestions was that UNPROFOR be divided into three parts — UNPROFOR (Croatia), UNPROFOR (Bosnia and Herzegovina) and UNPROFOR (the former Yugoslav Republic of Macedonia) — while retaining its integrated military, logistical and administrative structure under the command of one Special Representative of the Secretary-General and one theatre Force Commander. In view of the importance attached by the Croatian authorities to such a division, and taking into account the circumstances prevailing on the ground at that time, the Secretary-General had decided to grant this suggestion favourable consideration.

⁴⁷⁸ S/26335.

⁴⁷⁹ S/26336.

⁴⁸⁰ S/26470 and Add.1.

Turning to the question of the UNPROFOR mandate, the Secretary-General reiterated that the fundamental solution to the conflict needed to be sought through political dialogue. The parties bore the primary responsibility for achieving such a solution and they needed to take steps towards reconciliation. In that process, the principal objective of UNPROFOR could only be to keep the peace, thus permitting negotiations to take place on an overall political settlement. Despite the fact that conditions on the ground had prevented UNPROFOR from carrying out essential elements of its mandate, its presence in Croatia had nevertheless helped to contain a volatile situation. The Secretary-General therefore recommended that the Security Council renew the UNPROFOR mandate for a period of six months; demand that the parties in Croatia conclude an immediate ceasefire and cooperate with UNPROFOR, so that it might fulfil the peacekeeping aspects of its mandate; and direct the parties to cooperate with UNPROFOR in restoring water, power, communications and other economic necessities. To enhance the security force, he had requested the extension of close air support to the territory of Croatia. He would report to the Council by 30 November 1993 on the progress achieved by the Co-Chairmen and UNPROFOR and make further recommendations.⁴⁸¹

At its 3284th meeting, on 30 September 1993, the Council included the above-mentioned report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Venezuela) drew the attention of the Council members to the text of a draft resolution that had been prepared in the course of the Council's prior consultations,⁴⁸² and to other documents.⁴⁸³

The draft resolution was then put to the vote and adopted unanimously as resolution 869 (1993), which reads:

⁴⁸¹ The Secretary-General's recommendations (S/26470, para. 16) were subsequently referred to by the Council in resolution 871 (1993), para. 1.

⁴⁸² S/26513.

⁴⁸³ Letter dated 17 September 1993 from the representative of Yugoslavia addressed to the Secretary-General (S/26464); and letter dated 24 September 1993 from the representative of Croatia addressed to the President of the Security Council (S/26491).

The Security Council,

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

Reiterating its determination to ensure the security of the Force and its freedom of movement for all its missions, and to these ends, as regards the Force in the Republic of Croatia and in the Republic of Bosnia and Herzegovina, acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to extend the mandate of the United Nations Protection Force for an additional period terminating on 1 October 1993;

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

**Decision of 1 October 1993 (3285th meeting):
resolution 870 (1993)**

At its 3285th meeting, on 1 October 1993, the Council continued its consideration of the item. Following the adoption of the agenda, the President (Brazil) drew the attention of the Council members to the text of a draft resolution that had been prepared in the course of the Council's prior consultations⁴⁸⁴ and to a revision that had been made to the draft in its provisional form.

The draft resolution, as orally revised, was then put to the vote and adopted unanimously as resolution 870 (1993), 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,

Reiterating its determination to ensure the security of the Force and its freedom of movement for all its missions, and to these ends, as regards the Force in the Republic of Croatia and in the Republic of Bosnia and Herzegovina, acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to extend the mandate of the United Nations Protection Force for an additional period terminating on 5 October 1993;

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

**Decision of 4 October 1993 (3286th meeting):
resolution 871 (1993)**

At its 3286th meeting, on 4 October 1993, the Council continued its consideration of the item. Following the adoption of the agenda, the Council

⁴⁸⁴ S/26525.

invited the representatives of Bosnia and Herzegovina and Croatia, at their request, to participate in the discussion without the right to vote. The President (Brazil) then drew the attention of the Council members to the text of a draft resolution that had been prepared in the course of the Council's prior consultations,⁴⁸⁵ and to several other documents,⁴⁸⁶ including a letter dated 24 September 1993 from the representative of Croatia addressed to the President of the Security Council, transmitting a letter of the same date from the Minister for Foreign Affairs addressed to the President of the Security Council. In that letter, the Minister outlined certain measures which his Government insisted should be an essential part of the future of the UNPROFOR presence on the territory of Croatia. If such measures were not incorporated in the Council's resolution concerning the extension of the UNPROFOR mandate, Croatia would consider the mandate terminated and would request the withdrawal of all UNPROFOR contingents by 30 November 1993.

The draft resolution was then put to the vote and adopted unanimously as resolution 871 (1993), 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,

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

Having considered the report of the Secretary-General of 20 September 1993,

Having also considered the letter of the Minister for Foreign Affairs of the Republic of Croatia dated 24 September 1993,

⁴⁸⁵ S/26518.

⁴⁸⁶ Letter dated 17 September 1993 from the representative of Yugoslavia addressed to the Secretary-General (S/26464); letter dated 19 September 1993 from the Secretary-General addressed to the President of the Security Council (S/26468); letter dated 24 September 1993 from the representative of Croatia addressed to the President of the Security Council (S/26491); and letter dated 30 September 1993 from the representatives of China, France, the Russian Federation, the United Kingdom and the United States addressed to the Secretary-General, transmitting the text of the statement issued on 30 September 1993 by the Ministers for Foreign Affairs of the five permanent members of the Security Council following a meeting with the Secretary-General (S/26517).

Deeply concerned that the United Nations peacekeeping plan for the Republic of Croatia, and all relevant Council resolutions, in particular resolution 769 (1992) of 7 August 1992, have not yet been fully implemented,

Reiterating its determination to ensure the security of the Force and its freedom of movement for all its missions, and to these ends, as regards the Force in the Republic of Croatia and in the Republic of Bosnia and Herzegovina, acting under Chapter VII of the Charter of the United Nations,

1. *Welcomes* the report of the Secretary-General of 20 September 1993, in particular paragraph 16 thereof;

2. *Notes* the intention of the Secretary-General to establish, as described in his report, three subordinate commands within the United Nations Protection Force — UNPROFOR (Croatia), UNPROFOR (Bosnia and Herzegovina) and UNPROFOR (the former Yugoslav Republic of Macedonia) — while retaining the existing dispositions in all other respects for the direction and conduct of the United Nations operation in the territory of the former Yugoslavia;

3. *Condemns once again* continuing military attacks within the territory of the Republic of Croatia and the Republic of Bosnia and Herzegovina, and reaffirms its commitment to ensure respect for the sovereignty and territorial integrity of Croatia, of Bosnia and Herzegovina and of the former Yugoslav Republic of Macedonia, where the Force is deployed;

4. *Reaffirms* the crucial importance of the full and prompt implementation of the United Nations peacekeeping plan for the Republic of Croatia, including the provisions of the plan concerning the demilitarization of the United Nations Protected Areas, and calls upon the signatories of that plan and all others concerned, in particular the Federal Republic of Yugoslavia (Serbia and Montenegro), to cooperate in its full implementation;

5. *Declares* that continued non-cooperation in the implementation of the relevant resolutions of the Security Council or external interference, in respect of the full implementation of the United Nations peacekeeping plan for the Republic of Croatia, would have serious consequences, and in this connection affirms that full normalization of the international community's position towards those concerned will take into account their actions in implementing all relevant Council resolutions, including those relating to the peacekeeping plan for Croatia;

6. *Calls* for an immediate ceasefire agreement between the Government of Croatia and the local Serb authorities in the Protected Areas, mediated under the auspices of the International Conference on the Former Yugoslavia, and urges them to cooperate fully and unconditionally in its implementation, as well as in the implementation of all the relevant Council resolutions;

7. *Stresses* the importance it attaches, as a first step towards the implementation of the United Nations peacekeeping plan for the Republic of Croatia, to the process of restoration of

the authority of the Republic of Croatia in the pink zones, and in this context calls for the revival of the Joint Commission established under the chairmanship of the United Nations Protection Force;

8. *Urges* all the parties and others concerned to cooperate with the Force in reaching and implementing an agreement on confidence-building measures including the restoration of electricity, water and communications in all regions of Croatia, and stresses in this context the importance it attaches to the opening of the railroad between Zagreb and Split, the highway between Zagreb and Zupanja, and the Adriatic oil pipeline, securing the uninterrupted traffic across the Maslenica strait, and restoring the supply of electricity and water to all regions of Croatia including the Protected Areas;

9. *Authorizes* the Force, in carrying out its mandate in Croatia, acting in self-defence, to take the necessary measures, including the use of force, to ensure its security and its freedom of movement;

10. *Decides* to continue to review urgently the extension of close air support to the Force in the territory of Croatia as recommended by the Secretary-General in his report of 20 September 1993;

11. *Decides* in this context to extend the mandate of the Force for an additional period terminating on 31 March 1994;

12. *Requests* the Secretary-General to report two months after the adoption of the present resolution on progress towards implementation of the United Nations peacekeeping plan for the Republic of Croatia and all relevant Security Council resolutions, taking into account the position of the Croatian Government, as well as on the outcome of the negotiations within the International Conference on the Former Yugoslavia, and decides to reconsider the mandate of the Force in the light of that report;

13. *Also requests* the Secretary-General to keep the Council regularly informed on developments in regard to the implementation of the Force's mandate;

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

Speaking after the vote, the representative of France noted that it had not been easy to negotiate the resolution just adopted, for it had not been a "routine" extension of the mandate of UNPROFOR. The Council had had to take into account the concerns of the parties, as well as new operational needs. It had attempted to respond to Croatia's requests, without running the risk of promising more than it could deliver. He contended that the resolution established a balance between the legitimate concerns of the Croatian Government and the means available to the Council and UNPROFOR. His delegation understood that the Council would be able to take action the following week on the Secretary-General's proposal to

extend close air support in Bosnia and Herzegovina to UNPROFOR operations in Croatia.⁴⁸⁷

The representative of the United States stated that her delegation considered the extension of the UNPROFOR mandate essential to the international community's efforts to minimize the conflict in the former Yugoslavia, prevent it from spreading, provide humanitarian relief and, most important, facilitate negotiated solutions to all aspects of the conflict. She also observed that, although much attention had been focused on the operations of UNPROFOR in Croatia, it was important to emphasize that the UNPROFOR mandate and the effects of its extension applied with equal importance to Bosnia and Herzegovina and the former Yugoslav Republic of Macedonia. What was important also was to look to the future and begin the difficult work of implementing the Vance plan in good faith. Before concluding, she observed that, while UNPROFOR (Croatia) would become one of the subordinate commands within the integrated command structure of UNPROFOR as a whole, the resolution just adopted established no precedent for the command and control arrangements for any peacekeeping force that might be led by NATO in order to implement a peace agreement in Bosnia.⁴⁸⁸

The representative of China noted that the consent of the parties was a precondition to the deployment of United Nations peacekeeping operations and the extension of their mandates. Since the Croatian Government had agreed to the extension of the mandate, the Chinese delegation had voted in favour of the resolution just adopted. The speaker further stated that China was not in favour of invoking Chapter VII of the Charter in peacekeeping operations, nor was it in favour of using sanctions as a means to resolve conflicts. His delegation therefore had reservations on certain elements in the resolution. In addition, prudence should be exercised with regard to the extension of air support to UNPROFOR in Croatia, so as to avoid further complicating the matter and adversely affecting the political settlement process.⁴⁸⁹

The representative of Hungary stated that his delegation had voted in favour of the resolution just adopted because it wished to maintain UNPROFOR operations on the territory of Croatia and to do

everything possible to prevent a resurgence of armed hostilities along its southern borders. Hungary gave its full support to the resolution because it reflected the special problems facing Croatia and the region. It hoped that the resolution might help to create the necessary conditions for a peaceful settlement of all disputes on the basis of respect for the principles of territorial integrity and the rights of ethnic communities.⁴⁹⁰

The representative of the Russian Federation stated that UNPROFOR was playing a particularly important role in stabilizing the situation and creating conditions for the implementation of agreements that remained to be signed. He cautioned that withdrawing United Nations forces from Croatia, could have "catastrophic consequences", leading to an escalation of the entire conflict in the former Yugoslavia. He also noted that, pursuant to the resolution just adopted, the Council would continue to review urgently the question of extending close air support to UNPROFOR in Croatia. The Russian delegation understood that the mechanism for such an extension would be the same as that provided for in resolution 836 (1993). It was also important that an agreement be reached on confidence-building measures, which could be promoted by restoring water and electricity supplies and communications, and by satisfying other economic needs of the people.⁴⁹¹

Decision of 17 December 1993: letter from the President to the Secretary-General

On 1 December 1993, pursuant to resolution 871 (1993), the Secretary-General submitted to the Council a report on progress towards implementation of the United Nations peacekeeping plan for Croatia and all relevant Security Council resolutions, as well as on the outcome of talks within the framework of the International Conference on the Former Yugoslavia.⁴⁹²

The Secretary-General reported that a series of talks, chaired by the International Conference on the Former Yugoslavia, had been held between the parties during November 1993. The aims of the talks had been to discuss a ceasefire, economic reconstruction and political questions. While some progress had been made towards a ceasefire and in identifying economic

⁴⁸⁷ S/PV.3286, pp. 5-6.

⁴⁸⁸ Ibid., pp. 6-7.

⁴⁸⁹ Ibid., pp. 7-9.

⁴⁹⁰ Ibid., pp. 10-11.

⁴⁹¹ Ibid., pp. 22-25.

⁴⁹² S/26828.

matters of mutual interest, both sides had requested modifications to the proposed ceasefire agreement. In the meantime, they had agreed to establish a military Joint Commission to work on outstanding areas of dispute in relation to the lines of separation that would be used once the ceasefire was implemented. The Secretary-General observed that the various initiatives that were under way could pave the way for implementation of the peacekeeping plan.⁴⁹³ Progress was slow and was quickly halted if one side attacked territory held by the other. He did not recommend reconsideration by the Council of the UNPROFOR mandate. However, it was essential that the two sides intensify their efforts for the achievement of a ceasefire agreement, for the institution of practical measures of economic cooperation and for the negotiation of a lasting political settlement.⁴⁹⁴

By a letter dated 17 December 1993,⁴⁹⁵ the President of the Security Council informed the Secretary-General of the following:

The members of the Security Council have taken note of your report of 1 December 1993 submitted pursuant to Security Council resolution 871 (1993), in the light of which they have completed the review provided for in paragraph 12 of that resolution.

They share the observations contained in paragraph 16 of this report regarding the mandate of the United Nations Protection Force.

**Decision of 31 March 1994 (3356th meeting):
resolution 908 (1994)**

On 11 March 1994, pursuant to resolution 900 (1994), the Secretary-General submitted to the Council a report on UNPROFOR.⁴⁹⁶

The Secretary-General noted that the situation in Bosnia and Herzegovina was undergoing rapid changes, which had provided a multitude of new opportunities to make significant progress towards a

peaceful settlement. The significant developments that had taken place during the reporting period included the active and direct involvement of major powers in the negotiation process and the signature of a ceasefire agreement, on 23 February in Zagreb, between the Army of Bosnia and Herzegovina and the Croatian Defence Council. In addition, the signing on 1 March 1994 of the Framework Agreement establishing a Federation in the Areas of the Republic of Bosnia and Herzegovina with a Majority Bosniac and Croatian Population, and the Outline of a Preliminary Agreement for a Confederation between the Republic of Croatia and that Federation had opened new avenues for a political settlement.

Given that fluid situation, the Secretary-General could only provide an outline of the major concepts and requirements of UNPROFOR.⁴⁹⁷ The Secretary-General also commented on the utility of extending the concept of safe areas to Mostar, Vitez and Maglaj. While he did not believe there was a need to apply the protection defined in resolutions 824 (1993) and 836 (1993) to Mostar and Vitez where the ceasefire prevailed, he was of the opinion that, in view of the continuing hostilities in and around Maglaj, there may be a merit in extending the safe area concept to this city.

The Secretary-General further observed that the recent developments in Bosnia had created a new situation, which should provide numerous opportunities for UNPROFOR to make substantial progress in the implementation of the mandates entrusted to it. At that critical juncture, however, the ability of UNPROFOR was severely limited by the lack of military resources. He therefore recommended that the Council consider increasing the authorized strength of UNPROFOR to 8,250 additional troops. Should the Council decide to extend the safe area concept to Maglaj, an additional 1,500 troops would be required.

On 16 March 1994, pursuant to resolution 871 (1993), the Secretary-General submitted to the Council a report containing a comprehensive review of the role and functioning of UNPROFOR.⁴⁹⁸

⁴⁹³ The report mentioned the peace initiative of the President of Croatia, Franjo Tudjman (S/26681, appendix), which addressed the situations in the United Nations Protected Areas and in Bosnia, and future cooperation in the area of the former Yugoslavia.

⁴⁹⁴ The Secretary-General's observations (S/26828, para. 16), were referred to in the letter subsequently addressed to him by the President of the Security Council.

⁴⁹⁵ S/26890.

⁴⁹⁶ S/1994/291 and Corr.1 and Add.1.

⁴⁹⁷ For details see section II of the report of the Secretary-General. The proposals in section II were subsequently endorsed by the Council in resolution 908 (1994), para. 11.

⁴⁹⁸ S/1994/300.

The Secretary-General observed that the dilemma confronting the international community as the expiry of the Force's current mandate approached, was whether to consider that the limited successes of UNPROFOR continued to justify the United Nations enormous expenditure of resources and lives or whether the Force's ability to implement all the tasks assigned to it warrant an end to, or reduction of, its efforts. Another option would be to redefine its mandates commensurate with the resources the international community was prepared to make available to UNPROFOR. However, he did not believe that at that stage extensive redefinition was advisable. As he had previously pointed out to the Council, the choice in Croatia was between continuing a mission that was clearly unable to fulfil its original mandate in full or withdrawing and risking a renewed war that would probably result in appeals for UNPROFOR to return to restore peace. Given such a choice, soldiering on in hope seemed preferable to withdrawing in abdication. In Bosnia and Herzegovina, the continued deployment of UNPROFOR would serve a three-pronged strategy: (a) to use military means for humanitarian purposes; (b) to seek to end the conflict itself by creating conditions favourable to diplomatic negotiations on a political settlement; and (c) to provide a capacity to help the parties to implement agreements resulting from the diplomatic negotiations. Since the demilitarization of Sarajevo in February 1994, the military means of the international community were being used more directly to serve its diplomatic objectives. That offered new grounds for hope for an overall solution.

The Secretary-General therefore recommended the renewal of the UNPROFOR mandate for a further 12 months beyond 31 March 1994. That period was proposed in the interest of efficiency, although he would be prepared, should the situation on the ground improve, to recommend reducing the duration of the Force's mandate. He also recommended that authority for close air support be extended to the territory of Croatia.

On 24 March 1994, pursuant to resolutions 844 (1993), 836 (1993) and 776 (1992), the Secretary-General submitted to the Council a report containing his plans to direct UNPROFOR to reopen Tuzla airport for the delivery of humanitarian supplies and related purposes.⁴⁹⁹

⁴⁹⁹ S/1994/333 and Add.1.

The Secretary-General noted that the opening of Tuzla airport had been repeatedly requested by the Tuzla authorities since the spring of 1993. While the Bosnian Serb authorities on the ground had not previously raised objections to the opening of the airport under United Nations control, Mr. Karadzic, at a meeting on 18 November 1993, with the United Nations, had refused to permit its opening prior to the conclusion of an overall settlement, stating his strong fear of possible misuse of the airport for military purposes. That same position was repeated on several other occasions. Given the increasing humanitarian need, the Secretary-General had requested UNPROFOR to draw up a detailed plan for the opening of Tuzla airport. That plan described three scenarios based on varying degrees of consent of the parties. The Special Representative of the Secretary-General had been liaising with the parties to open the airport with their consent. On 6 March, Mr. Karadzic had agreed to the opening of the airport in Tuzla for humanitarian purposes under United Nations control, on certain conditions which were rejected by the other party. The Secretary-General, however, believed that the opening of Tuzla airport for UNPROFOR purposes was now feasible, and that humanitarian flights would be possible before long. His Special Representative was therefore continuing intensive negotiations with the parties in order to achieve an agreement which would govern the modalities of the full-fledged reopening of the airport. He also outlined the additional resources that would be required in order to support UNPROFOR activities at Tuzla airport.⁵⁰⁰ He further noted that, as the opening of Tuzla airport was being pursued for the purpose of improving the capability to deliver humanitarian assistance, the activity would fall within the existing mandate given by Council resolutions 836 (1993) and 844 (1993). However, in the light of the political importance of such an action and of the need for additional resources to ensure the safe operation of the airport, he believed that the explicit approval and support of the Security Council was required. He therefore recommended that the Council approve the UNPROFOR plans for the opening of Tuzla airport for

⁵⁰⁰ The Secretary-General's observations relating to the additional resource requirements (S/1994/333, para. 14) were subsequently approved by the Council in resolution 908 (1994), para. 5. An estimate of the costs for the additional requirements was submitted as an addendum to the report.

humanitarian purposes, as well as the additional resources requested for that purpose.

By a letter dated 30 March 1994 addressed to the President of the Security Council,⁵⁰¹ the Secretary-General informed the Council of the conclusion on 29 March 1994 in Zagreb of a ceasefire agreement between the Government of Croatia and the local Serb authorities in the United Nations Protected Areas, which copy of it was attached to the letter as an annex. He noted that the implementation of the ceasefire agreement would involve, inter alia, interpositioning UNPROFOR forces in a zone of separation; establishing additional control points, observation posts and patrols; and monitoring the withdrawal of heavy weapons out of range of the contact line. He suggested that the Council might wish to welcome that development and to authorize UNPROFOR to perform the functions called for in the agreement. He also noted that UNPROFOR would require additional military resources in order to undertake those tasks, and he recommended that the Council authorize the provision of those additional resources.

At its 3356th meeting, on 31 March 1994, the Council included the three above-mentioned reports and the letter in its agenda. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina and Croatia, at their request, to participate in the discussion without the right to vote. The President (France) then drew the attention of the Council members to the text of a draft resolution that had been prepared in the course of the Council's prior consultations,⁵⁰² and to several other documents,⁵⁰³ including a letter dated 16 March

addressed to the Secretary-General, transmitting a letter of the same date from the President of Croatia to the Secretary-General, in which he agreed to the extension of the UNPROFOR mandate and enclosed a series of goals and actions which he considered to be necessary for the success of the renewed mandate.

Speaking before the vote, the representative of Pakistan stated that his delegation, along with other members of the Non-Aligned Movement in the Council, had favoured the designation of Maglaj as a safe area, and regretted that it had not found the support of all members in the Council. His delegation, however, would support the draft resolution before the Council. He added that the international community must demonstrate its resolve to arrive at a just and lasting solution to the crisis in Bosnia and Herzegovina by taking all appropriate measures to reverse the consequences of aggression against that country. The lands seized by the use of force and "ethnic cleansing" must be returned. The sovereignty, territorial integrity and political independence of Bosnia and Herzegovina must be restored and respected.⁵⁰⁴

The representative of the Czech Republic questioned the Secretary-General's suggestion that 1,500 additional troops would be required to turn Maglaj into a safe area, when Srebrenica and Zepa had been granted the status of safe areas with far fewer troops than that. He contended that experience had shown that declaring an area safe contributed, in and of itself, to the safety of the area, whether or not it was truly safe from the military point of view. His delegation could not but regret that some of the energy the Council devoted to the almost moot issue of Maglaj had not been spent on what appeared to be an even worse situation in Banjaluka. The city had been in the hands of ethnic Serbs for some time now and "ethnic cleansing" continued unabated there.⁵⁰⁵

The draft resolution was then put to the vote and adopted unanimously as resolution 908 (1994), which reads:

The Security Council,

Recalling all its previous relevant resolutions on the conflicts in the territory of the Former Yugoslavia, and reaffirming in this context its resolution 871 (1993) of 4 October 1993 on the mandate of the United Nations Protection Force,

⁵⁰¹ S/1994/367.

⁵⁰² S/1994/359.

⁵⁰³ Letters dated 15 and 23 March 1994, respectively, from the representative of Bulgaria addressed to the President of the Security Council (S/1994/302 and S/1994/336); letter dated 16 March 1994 from the representative of Croatia addressed to the Secretary-General (S/1994/305 and Corr.1); letter dated 22 March 1994 from the representative of Greece addressed to the President of the Security Council (S/1994/328); letter dated 22 March 1994 from the Secretary-General addressed to the President of the Security Council (S/1994/330); letter dated 23 March 1994 from the President of the Security Council addressed to the Secretary-General (S/1994/331); and letter dated 25 March 1994 from the representative of Yugoslavia addressed to the President of the Security Council (S/1994/350).

⁵⁰⁴ S/PV.3356, pp. 3-5.

⁵⁰⁵ *Ibid.*, pp. 5-6.

Having considered the reports of the Secretary-General of 11 March, 16 March and 24 March 1994 and his letter dated 30 March 1994,

Having considered also the letter dated 16 March 1994 from the President of the Republic of Croatia addressed to the Secretary-General,

Emphasizing the need for a negotiated settlement accepted by all parties, and welcoming the continuing efforts of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia,

Welcoming also the ceasefire agreement between the Government of the Republic of Bosnia and Herzegovina and the Bosnian Croat party and the signature of the Washington Framework Agreement of 1 March 1994 between the Government of the Republic of Bosnia and Herzegovina and the Government of the Republic of Croatia and the Bosnian Croat party, as steps towards an overall settlement,

Underlining the importance of involving the Bosnian Serb party in further efforts to achieve an overall negotiated settlement,

Welcoming the ceasefire agreement signed on 29 March 1994 between the Republic of Croatia and the local Serb authorities in the United Nations Protected Areas, which was facilitated by the Russian Federation, the United States of America, the European Union and the International Conference on the Former Yugoslavia,

Welcoming also the discussions between the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), pursuant to the joint statement of 19 January 1994,

Welcoming further the recent significant progress achieved in and around Sarajevo, and stressing that a strong and visible presence of the Force in this area, as well as in other areas of the Republic of Bosnia and Herzegovina and the Republic of Croatia, within the framework of its mandate, is essential to consolidate such progress,

Recalling the statement by the President of the Security Council of 14 March 1994 and the joint letter of Bosnia and Herzegovina and Croatia dated 17 March 1994, and in this context taking note of the recent developments in Maglaj,

Determined to put an end to the suffering of the civilian population in and around Maglaj,

Welcoming the ongoing efforts aimed at the reopening of the Tuzla airport for humanitarian purposes,

Welcoming also the work undertaken by the joint civil mission to Sarajevo of the Governments of the United Kingdom of Great Britain and Northern Ireland and the United States of America,

Welcoming further the dispatch of the European Union fact-finding mission to Mostar with a view to helping improve

living conditions in that city and contributing to the implementation of the agreements between the parties on it,

Reiterating its determination to ensure the security of the Force and its freedom of movement in all its missions, and to these ends, as regards the Force in the Republic of Croatia and in the Republic of Bosnia and Herzegovina, acting under Chapter VII of the Charter of the United Nations,

A

1. *Welcomes* the reports of the Secretary-General of 11 March, 16 March and 24 March, and his letter dated 30 March 1994;

2. *Reaffirms its commitment* to ensure respect for the sovereignty and territorial integrity of the Republic of Croatia, the Republic of Bosnia and Herzegovina and the Former Yugoslav Republic of Macedonia, where the United Nations Protection Force is deployed;

3. *Decides* to extend the mandate of the Force for an additional period terminating on 30 September 1994;

4. *Recognizes* the need, following recent progress, for increased resources for the Force, described in the reports of the Secretary-General of 11 and 16 March 1994 and his letter dated 30 March 1994, decides, as an initial step, to authorize an increase of Force personnel by up to 3,500 additional troops, and also decides to take action by 30 April 1994 at the latest on the further troop requirements recommended by the Secretary-General in the above-mentioned documents, with a view to providing the Force with the means necessary for the implementation of its mandate;

5. *Approves* the Force's plans, described in the report of the Secretary-General of 24 March 1994, for the reopening of the Tuzla airport for humanitarian purposes, and authorizes additional resources requested in paragraph 14 of that report for these purposes;

6. *Calls upon* Member States to assist the Secretary-General to implement paragraphs 4 and 5 above by contributing personnel, equipment and training;

7. *Urges* that necessary arrangements be concluded, including, where appropriate, agreements on the status of forces and other personnel with the Republic of Croatia, the Former Yugoslav Republic of Macedonia and the Federal Republic of Yugoslavia (Serbia and Montenegro);

8. *Decides* that Member States, acting nationally or through regional organizations or arrangements, may take, under the authority of the Security Council and subject to close coordination with the Secretary-General and the Force, all necessary measures to extend close air support to the territory of the Republic of Croatia, in defence of Force personnel in the performance of the Force's mandate, as recommended by the Secretary-General in paragraph 12 of his report of 16 March 1994;

9. *Urges* the Republic of Croatia and the local Serb authorities in the United Nations Protected Areas to comply with the ceasefire agreement signed on 29 March 1994, and welcomes the efforts undertaken by the Force towards implementing this agreement;

10. *Also urges* all the parties and others concerned to cooperate with the Force in reaching and implementing an agreement on confidence-building measures in all regions of the Republic of Croatia including the United Nations Protected Areas, further urges the Republic of Croatia and the local Serb authorities in the United Nations Protected Areas, inter alia, to revive the Joint Commission process with regard to communication links and economic issues, and recognizes in this context the importance of the immediate reopening of the Adriatic oil pipeline for the economies of the Republic of Croatia and of the other countries in the region;

11. *Endorses* the proposals in section II of the report of the Secretary-General of 11 March 1994, on arrangements relating to the ceasefire and ensuring the freedom of movement in and around Sarajevo, including the additional tasks set out in paragraph 14 thereof, emphasizes the need for the Force to deploy its resources in a flexible manner, in particular in and around the safe areas, and authorizes the Force to carry out these tasks in relation to the ceasefire entered into by the Government of the Republic of Bosnia and Herzegovina and the Bosnian Croat party and, following a report by the Secretary-General and within existing resources, in relation to any further ceasefire agreed between the parties in Bosnia and Herzegovina in pursuit of the peace process;

12. *Encourages* the Special Representative of the Secretary-General for the Former Yugoslavia, in cooperation with the authorities of the Former Yugoslav Republic of Macedonia, to use his good offices, as appropriate, to contribute to the maintenance of peace and stability in that Republic;

13. *Urges* the parties to seize the opportunity provided by the Force's continuation to bring the peace process to a successful conclusion;

14. *Requests* the Secretary-General to keep it regularly informed on progress towards implementation of the United Nations peacekeeping plan for the Republic of Croatia and all relevant Security Council resolutions, taking into account the position of the Government of the Republic of Croatia, as well as on the outcome of the negotiations within the International Conference on the Former Yugoslavia, and decides to reconsider the mandate of the Force at any time according to the developments on the ground and in the negotiations;

B

15. *Welcomes* the appointment by the Secretary-General of a senior civilian official for the restoration of essential public services in and around Sarajevo in accordance with the provisions of resolution 900 (1994) of 4 March 1994;

16. *Commends* in this context the setting up of the Interim Coordination Board to assess the situation in Sarajevo in order to facilitate the task of this senior official;

17. *Welcomes* the establishment by the Secretary-General on 21 March 1994 of a voluntary trust fund for the restoration of essential public services in and around Sarajevo, in accordance with the provisions of resolution 900 (1994), and strongly appeals to the international community to make voluntary financial contributions to this trust fund;

18. *Notes with appreciation* the steps being taken by the Secretary-General, the Force and other United Nations agencies and humanitarian organizations to restore normal life to all areas of the Republic of Bosnia and Herzegovina, encourages them to continue their efforts, and in this context requests the Secretary-General to consider ways and means of further enhancing the work of the civilian component of the Force;

19. *Calls on* the parties to honour their commitments to ensure the Office of the United Nations High Commissioner for Refugees and the Force unimpeded access throughout the Republic of Bosnia and Herzegovina in performance of their mandate, and in particular calls upon the Bosnian Croat party to release infrastructure equipment and material urgently needed for humanitarian relief;

C

20. *Welcomes* the presence of Force personnel and the arrival of humanitarian convoys in Maglaj, but expresses once again its deep concern at the situation there;

21. *Welcomes also* the contribution of the Force, within its available resources, to the restoration of safety and security to the area in and around Maglaj in order to promote the well-being of its inhabitants;

22. *Demands* that the Bosnian Serb party cease forthwith all military operations against the town of Maglaj and remove all obstacles to free access to it, condemns all such obstacles, and calls upon all parties to show restraint;

23. *Takes note* of the assessment by the Secretary-General of the feasibility of extending the safe area concept to Maglaj, and requests him to keep the situation under review and to report to the Council as appropriate;

D

24. *Requests* the Secretary-General to keep the Council regularly informed on developments in regard to the implementation of the Force's mandate;

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

Speaking after the vote, the representative of the United Kingdom stated that the implementation of confidence-building measures in the United Nations Protected Areas referred to in the resolution and the revival of the joint-commission process were steps

which should be taken quickly, paving the way for a final settlement involving autonomy for the Serbs within the existing borders of Croatia. His delegation welcomed the increase in the strength of UNPROFOR provided for in the resolution just adopted, which would allow those additional personnel already available from Member States to be deployed immediately. It also welcomed the resolution's authorization of additional personnel for the reopening of Tuzla airport. The speaker cautioned, however, that further reinforcement of UNPROFOR would be needed if the ceasefires in central Bosnia and Croatia were to be implemented fully. He also argued that tasks could not be added indefinitely if the necessary resources were not available. His Government would have been prepared to join in authorizing all the additional personnel requested by the Secretary-General. In the following month the Council would need to act on the balance of those requests, for delay would put at risk the achievements of UNPROFOR.⁵⁰⁶

The representative of the United States stated that his Government had consistently supported, and continued to support, UNPROFOR which had been called on to provide vital missions in the former Yugoslavia. In recent weeks there had been many encouraging developments in Bosnia and Herzegovina, and rapidly expanding challenges that had taxed UNPROFOR resources to the limit. The United States agreed with the members of the Council that UNPROFOR must have the necessary resources to meet these challenges. In the context of the resolution just adopted, his Government's concern had been to ensure that the financial resources were available to sustain that vital operation. The resolution stated that the Council would review, within one month, the question of the requirements of UNPROFOR. During that month, the United States Government would be considering the question seriously and urgently, for peacekeeping was so important that the international community must do its best to regularize the way it provided the money to support those operations. The speaker also commended the Council's authorization of close air support for UNPROFOR troops operating in Croatia, and pointed out that NATO implementation would require the agreement of the North Atlantic

⁵⁰⁶ Ibid., pp. 8-9.

Council, which he was confident would be forthcoming.⁵⁰⁷

The representative of China noted that the Council's approval of a further enlargement of UNPROFOR and an extension of its mandate reflected the hope that the presence of UNPROFOR would create favourable conditions for an early and comprehensive political settlement. He reiterated the position of his country on questions related to UNPROFOR. First, the sovereignty of Croatia and Bosnia and Herzegovina, as well as other countries in the region, should be fully respected. Secondly, China was not in favour of the use or threat of force, nor the invocation of Chapter VII in the peacekeeping operations of UNPROFOR. It therefore retained reservations on the invocations of Chapter VII in the resolution just adopted. At the same time, however, it had noted that the resolution specified certain limitations concerning that issue. Thirdly, in relation to the extension of close air support to UNPROFOR operations in Croatia, such air support should only be used to ensure the safety of UNPROFOR personnel in the performance of its mandate and for self-defence, rather than for punitive purposes. Fourthly, the settlement of the conflict in the former Yugoslavia could only be achieved by the people of that region themselves. Lastly, the difficulties faced by UNPROFOR with regard to manpower and financial resources needed to be removed, although the deployment of UNPROFOR troops should be undertaken in a flexible manner, according to the degree of urgency in each specific situation.⁵⁰⁸

The representative of the Russian Federation stated that, while favouring the continuation of UNPROFOR, his delegation believed that UNPROFOR efforts should be directed towards the essential purpose for which it was established, paying particular attention to the priority tasks highlighted in paragraph 50 of the Secretary-General's report of 16 March, and taking into account the need to adopt a rational attitude towards the limited resources available to the United Nations. Noting that the United Nations had been faced with new tasks, his delegation believed that those tasks should be performed strictly in accordance with, and in the framework of, the existing mandate of UNPROFOR. If, however, it was felt necessary either

⁵⁰⁷ Ibid., p. 9.

⁵⁰⁸ Ibid., pp. 10-11.

to amend or expand the mandate, that would require an additional decision to be taken by the Security Council. The Russian Federation also supported the extension of close air support to Croatia. At the same time, it also supported the search for ways and means of achieving maximum cooperation between the United Nations and NATO, because it believed that deploying air forces in support of United Nations personnel should be carried out, as indicated in the relevant resolutions, under the authority of the Security Council and subject to close coordination with the Secretary-General and UNPROFOR.⁵⁰⁹

The President, speaking in his capacity as the representative of France, stated that his delegation was particularly pleased with those aspects of the resolution which unambiguously strengthened the Council's commitment to approve all the reinforcements requested by the Secretary-General, for both Bosnia and Croatia, by the end of April. Actions must now proceed in two directions. The international community must consolidate what had been achieved on the ground, with UNPROFOR backing the parties' will to make peace and, in that regard, UNPROFOR could never be used to protect territorial gains. On the diplomatic level, discussions on the territorial questions would soon have to resume and in that respect, the European Union's plan seemed to be the only basis for a possible agreement.⁵¹⁰

**Decision of 27 April 1994 (3369th meeting):
resolution 914 (1994)**

At its 3369th meeting, on 27 April 1994, the Council included in its agenda the reports of the Secretary-General of 11, 16 and 24 March, as well as the Secretary-General's letter dated 30 March 1994. Following the adoption of the agenda, the Council invited the representative of Bosnia and Herzegovina, at his request, to participate in the discussion without the right to vote. The President (New Zealand) then drew the attention of the Council members to the text of a draft resolution submitted by France, the Russian Federation, Spain and the United Kingdom.⁵¹¹

The draft resolution was then put to the vote and adopted unanimously as resolution 914 (1994), which reads:

⁵⁰⁹ Ibid., pp. 11-12.

⁵¹⁰ Ibid., pp. 13-14.

⁵¹¹ S/1994/487.

The Security Council,

Reaffirming its resolutions 908 (1994) of 31 March 1994 and 913 (1994) of 22 April 1994,

Having considered the reports of the Secretary-General of 11 March, 16 March and 24 March 1994 and his letter dated 30 March 1994,

Determined to strengthen the operations of the United Nations Protection Force in fulfilment of its mandate,

Reiterating its determination to ensure the security of the Force and its freedom of movement in all its missions, and to these ends, as regards the Force in the Republic of Croatia and in the Republic of Bosnia and Herzegovina, acting under Chapter VII of the Charter of the United Nations,

1. *Welcomes once again* the reports of the Secretary-General of 11 March, 16 March and 24 March 1994 and his letter dated 30 March 1994;

2. *Decides* to authorize, as recommended by the Secretary-General in the above-mentioned documents, an increase of United Nations Protection Force personnel by up to 6,550 additional troops, 150 military observers and 275 civilian police monitors, in addition to the reinforcement already approved in resolution 908 (1994);

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

Speaking after the vote, the representative of France welcomed the fact that the Council had granted UNPROFOR the reinforcements requested by the Secretary-General while stressing that the decision should have come at the end of March when the Force's mandate had been extended. France could only regret that delay unjustifiable in view of the situation on the ground. The Council, from a political standpoint, had not reflected the clear determination which the circumstances had required nor had it shown the support which UNPROFOR had a right to expect from it at a time when, faced with a constant shortage of personnel, they were given additional missions in an increasingly dangerous environment. As the increases in personnel had been authorized, Member States now needed to respond to the earnest requests of the Secretariat.⁵¹²

The representative of the United Kingdom stated that the Council's decision reaffirmed its support for UNPROFOR and signalled its determination to bring about a cessation of hostilities and a peaceful negotiated settlement in that country. He recalled that, at its previous meeting on Bosnia, on 21 April, the Council had adopted resolution 913 (1994),

⁵¹² S/PV.3369, pp. 2-3.

condemning the attacks by Bosnian Serb forces on Gorazde, demanding their withdrawal, and calling for an end to the hostilities. In parallel, the United Nations and NATO had made it clear that force would be used if those elements were not complied with. Thanks to the determination of UNPROFOR and NATO, the immediate threat in Gorazde had ended. The United Kingdom called upon all parties to cooperate fully with UNPROFOR and other United Nations and relief personnel working in Gorazde. The speaker warned that the Bosnian Serbs should not forget that the terms of the North Atlantic Council's recent decisions remained in force, and that they applied to attacks against or threats to the other safe areas. His Government was giving its full support to efforts to bring more closely together the diplomatic activity of the United Nations, the European Union, the United States and the Russian Federation, including the action taken through the establishment of a Contact Group.⁵¹³

**Decision of 11 August 1994 (3416th meeting):
statement by the President**

By a letter dated 26 July 1994 addressed to the President of the Security Council, the Secretary-General reported that serious difficulties had arisen for UNPROFOR operations in Croatia, as a result of blockades being implemented by demonstrators against all UNPROFOR traffic into the United Nations Protected Areas.⁵¹⁴ The blockades had severely undermined the ability of UNPROFOR to monitor the 29 March ceasefire agreement, resulting in an increased number of violations of that Agreement and causing rising tensions within the zone of separation. The blockades were also preventing UNPROFOR from performing its other basic tasks. The Special Representative of the Secretary-General had met with officials of the Government of Croatia to impress upon them the Government's responsibility to ensure that the work of UNPROFOR was not impeded. He had informed them that the Force had clear evidence of the participation of Croatian police in several of the blockades, rendering the Government in violation of aspects of the ceasefire agreement. While the Government might not have been fully in control of the demonstrators, it was undeniably responsible for ensuring that their actions did not prevent UNPROFOR from carrying out its mandate. The Secretary-General

warned that if the situation were not rectified UNPROFOR would not be able to function in pursuance of its mandates and he recommended that the Council call upon the Government of Croatia to fulfil its obligations to UNPROFOR and end the blockade.

At its 3416th meeting, on 11 August 1994, the Council included the above-mentioned letter in its agenda. Following the adoption of the agenda, the President (Russian Federation) stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:⁵¹⁵

The Security Council is deeply concerned by the letter from the Secretary-General dated 26 July 1994 and by further reports from the Secretariat of continuing difficulties that have arisen for the operations of the United Nations Protection Force in Croatia owing to blockades of Force traffic into the United Nations Protected Areas by demonstrators. The Council considers that such blockades by Croatian citizens as well as related impediments imposed by the Croatian authorities on the freedom of movement of the Force are inadmissible. In that context the Council deplores the remaining blockades of access roads to the United Nations Protected Areas in the Republic of Croatia.

The Council is encouraged by the signing on 4 August 1994 of an agreement between the Government of the Republic of Croatia and the United Nations Protection Force regarding the procedures regulating Force traffic to and from the United Nations Protected Areas, and calls on the Croatian authorities to implement its provisions faithfully. The Council welcomes the progress that has been made since the signature of this agreement to open eleven of nineteen crossing points. However, the Council reminds the Government of the Republic of Croatia of its obligation to facilitate the unimpeded access of the Force to all nineteen crossing points agreed upon in the ceasefire agreement of 29 March 1994.

In this context the Council is also concerned about the continuing unacceptable practice of the Government of the Republic of Croatia of levying tolls and other taxes on the Force for the use of roads and airports in the Republic of Croatia. The Council strongly disapproves of any action that would both impede the functioning of the Force and add to the already high cost of the peacekeeping operation in Croatia. Recalling paragraph 7 of its resolution 908 (1994) of 31 March 1994, the Council again urges the Government of the Republic of Croatia to conclude without further delay a status-of-forces agreement with the United Nations Protection Force and to resolve the above and any other issues in accordance with the provisions of that agreement.

⁵¹³ Ibid., p. 3.

⁵¹⁴ S/1994/888.

⁵¹⁵ S/PRST/1994/44.

The Council reaffirms its commitment to the sovereignty and territorial integrity of the Republic of Croatia and the right of all displaced persons and refugees to return to their homes. The Council expects the Government of the Republic of Croatia to cooperate fully with the efforts of the Force.

Decision of 30 September 1994 (3434th meeting): resolution 947 (1994)

On 9 May 1994, pursuant to resolutions 836 (1993) and 844 (1993), the Secretary-General submitted to the Council a report to inform the Council of the results achieved and lessons learned in the implementation of the safe areas concept in Bosnia and Herzegovina, as well as to propose some improvements in the short term.⁵¹⁶

The Secretary-General noted that the existing approach to safe areas required reworking. In his view, the successful implementation of the safe area concept required the acceptance of three overriding principles: (a) the intention of safe areas was primarily to protect people and not to defend territory; (b) the method of execution of the safe area task should not detract from, but rather enhance, the original mandates of UNPROFOR, namely supporting humanitarian assistance and contributing to the overall peace process through the implementation of ceasefires and local disengagements; and (c) the mandate must take into account UNPROFOR's resource limitations.

The Secretary-General did not believe that extending the safe area concept to other parts of Bosnia and Herzegovina would be advisable. While reaffirming the Council's commitments in relation to existing safe areas, he believed that sources of tension elsewhere in the Republic needed to be dealt with by other measures, including local ceasefires and modest deployments of UNPROFOR observers. In addition to the arrangements already in place for protection of safe areas it was necessary that: (a) the mission of UNPROFOR in the safe areas be clearly defined; (b) the safe areas be clearly delineated; (c) the safe areas be respected; and (d) complete freedom of movement, on a "notification basis" be ensured for the provision of humanitarian aid to safe areas. While safe areas could be made more effective and manageable, they did not in themselves represent a long-term solution to the conflict in Bosnia and Herzegovina. Rather, the safe area concept should be viewed as a

⁵¹⁶ S/1994/555.

temporary mechanism by which some vulnerable populations could be protected pending a comprehensive negotiated political settlement. The Secretary-General therefore recommended that the Security Council approve the statement of the Force's mission in relation to the safe areas, authorize UNPROFOR to promulgate precise boundaries for those areas and approve the arrangements outlined in his report.

On 17 September 1994, pursuant to resolution 908 (1994), the Secretary-General submitted to the Council a report intended to assist the Council in its deliberations on the renewal of the UNPROFOR mandate.⁵¹⁷

The Secretary-General noted that the conflicts in the former Yugoslavia were closely interrelated and had a direct impact on UNPROFOR operations in Croatia, Bosnia and Herzegovina and the former Yugoslav Republic of Macedonia. In that context, the work of the Contact Group which involved five major Powers working with the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, could be of great significance for the future of UNPROFOR.

With regard to Croatia, the Secretary-General outlined four problem areas in the UNPROFOR mandate which required assessment: the demilitarization of the United Nations Protected Areas; the restoration of Croatian authority in the "pink zones"; the establishment of border controls; and assistance for the return of refugees and displaced persons. All four required either enforcement or the consent of both parties for their implementation. UNPROFOR had neither the means nor the mandate for enforcement action of that nature and the cooperation of the parties had been elusive.

The Secretary-General further noted that progress in Croatia had been slow and had proved insufficient to moderate Croatian impatience for a quick solution to the problem of reintegration of the United Nations Protected Areas into Croatia. Assistance in the creation of conditions that would permit the voluntary return of displaced persons to their homes in or near the Protected Areas continued to be of the highest priority for UNPROFOR and discussions were taking place among the Office of the United Nations High

⁵¹⁷ S/1994/1067 and Add.1.

Commissioner for Refugees, UNPROFOR and both parties on the implementation of a pilot project for voluntary return to a few selected villages in or near the zone of separation.⁵¹⁸

In considering the various options for the UNPROFOR presence in Croatia, the Secretary-General was aware that the situation on the ground could be frozen in a stalemate in which the Force's continued presence contributed only to the maintenance of an unsatisfactory status quo. In the current circumstances, however, it was very important to secure continued respect for the ceasefire agreement. At the same time, further efforts would have to be made for the reopening of negotiations. These tasks would require the continued presence of UNPROFOR in Croatia.

With regard to Bosnia and Herzegovina, experience gained over the last six months had enhanced mutual understanding, joint planning and cooperation between UNPROFOR and NATO, and the successful deployment of long-awaited additional forces had enabled UNPROFOR to improve its ability to seize opportunities for progress. Nevertheless, the possibility of a further exacerbation and intensification of the conflict in Bosnia and Herzegovina had highlighted the limitations of UNPROFOR, and underlined a number of areas of concern. The Secretary-General acknowledged that some Member States might believe that the international community's strategy of deploying peacekeeping operations only upon the active cooperation of the parties was no longer adequate to serve the objectives proclaimed in the Council's resolutions. He warned, however, that the use of disincentives would change the nature of the United Nations presence in the area, entailing unacceptable risks to UNPROFOR. The result would be a fundamental shift from the logic of peacekeeping to the logic of war and would require the withdrawal of UNPROFOR from Bosnia and Herzegovina. The Secretary-General had therefore directed that plans be made for a potential withdrawal at short notice. Any consideration of decisions leading to the withdrawal of UNPROFOR had, however, to be weighed against the tasks that were currently being implemented successfully by UNPROFOR and in the absence of an overall political settlement acceptable to all the parties.

⁵¹⁸ The Secretary-General's comments relating to the return of refugees and displaced persons (S/1994/1067, para. 39) were subsequently referred to by the Council in resolution 947 (1994), para. 13.

He did not, therefore, recommend the withdrawal of the Force at that time. He did recommend, however, that due to the continued harassment of minorities in Bosnia and Herzegovina, particularly by the Bosnian Serbs, the Security Council might consider providing UNPROFOR with a more comprehensive, uniform, United Nations civilian police mandate throughout the territory of Bosnia and Herzegovina, similar to that already mandated for Croatia.

The Secretary-General also recommended the renewal of UNPROFOR mandate for a further period of six months. He further suggested that the Council might wish to endorse the Force's activities in relation to mine-clearing in Bosnia and Herzegovina, and support the acquisition of a small number of protected vehicles for uses in areas of mine hazard. He also recommended that the Council endorse the Force's public information policy and programmes, including the establishment of an independent radio station to provide the population within the mission area access to impartial, factual and timely information, thereby increasing public understanding and support for UNPROFOR "peacemaking" efforts in the former Yugoslavia.

At its 3434th meeting, on 30 September 1994, the Council included the report of the Secretary-General of 17 September 1994 in its agenda. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina and Croatia, at their request, to participate in the discussion without the right to vote. The Council also invited Mr. Vladislav Jovanovic, at his request, to address the Council in the course of its consideration of the item. The President (Spain) then drew the attention of the Council members to the text of a draft resolution, submitted by France, Spain and the United Kingdom,⁵¹⁹ and read out some revisions that had been made to the draft in its provisional form. He also drew the attention of the Council members to several other documents.⁵²⁰

⁵¹⁹ S/1994/1120.

⁵²⁰ Letters dated 9 and 28 September 1994, respectively, from the representative of Yugoslavia addressed to the Secretary-General (S/1994/1045 and S/1994/1108); letters dated 15 and 26 September 1994, respectively, from the representative of Croatia addressed to the President of the Security Council (S/1994/1058 and S/1994/1095); and letter dated 16 September 1994 from the representative of Croatia addressed to the Secretary-General (S/1994/1062).

The representative of Bosnia and Herzegovina outlined two reflections with respect to the renewal of the UNPROFOR mandate. First, every Security Council resolution mandating UNPROFOR had reflected the commitment of the Council to the territorial integrity and sovereignty of Bosnia and Herzegovina. Secondly, although some might wish to characterize UNPROFOR as a peacekeeping mission, its mandate was more complex. Within the mandate there was no reference to peacekeeping, while there was reference to specific assignments calling for “necessary measures” and appropriate responses to attacks on civilian safe areas and violations of humanitarian standards. The speaker contended that, in that context, any threats directed at Bosnia and Herzegovina and its defence forces exercising the responsibility of defending its civilians and its territorial integrity and sovereignty must be viewed as contrary to the word and spirit of the relevant Security Council resolutions. He argued that the mandate should not be redefined, but rather that if there was a “practical incapacity to execute the original mandate”, then additional resources should be provided or the mandate must be terminated. It was necessary to re-establish the clear objectives of the UNPROFOR mandate.⁵²¹

The representative of Croatia stated that his Government remained bound by the decision of the Croatian parliament on the UNPROFOR mandate and it welcomed the elements of that decision which had been incorporated in the draft resolution, especially in respect of the “pink zones”, the border monitors and the pilot project for the return of displaced persons to their homes in the occupied areas. His delegation believed that the draft resolution pointed the solution-seeking process in the right direction and it hoped that the Contact Group and the United Nations would immediately begin to pursue measures consistent with the letter and spirit of the draft resolution so that the relevant parties would not be compelled to consider a new UNPROFOR mandate after 100 days. It also emphasized that the decision to accept the new UNPROFOR mandate in Croatia had been made with the view that the Contact Group would immediately commence work on the comprehensive reintegration plan for Croatia, which would provide local autonomy in pre-war Serbian majority areas in Croatia, with the same acceptance/rejection measures that should be

⁵²¹ S/PV.3434, pp. 2-3.

applied to the Federal Republic of Yugoslavia and its “proxies” in Knin. It further underlined the importance of the mutual recognition of existing borders between Croatia and the Federal Republic of Yugoslavia as the next step for the Contact Group’s activities. Before concluding, the speaker expressed regret that the Federal Republic of Yugoslavia had been permitted to address the Council. His Government had taken the position that the UNPROFOR mandate only applied to the territories of Croatia, Bosnia and Herzegovina and the former Yugoslav Republic of Macedonia, and that the Federal Republic of Yugoslavia did not therefore possess any special status in relation to the UNPROFOR issue.⁵²²

Mr. Jovanovic stated that the Federal Republic of Yugoslavia considered that the conditions for terminating the UNPROFOR peace operation had not yet been created and that its continued presence in the protected areas was necessary until an overall political solution was reached. The UNPROFOR presence in the protected areas had been of vital importance for the protection of the Serbian civilian population of Krajina. He contended that the question of extending the UNPROFOR mandate should be viewed apart from the search for a political solution to the crisis. The extension of the Force’s mandate and the protection of the Serbian population could not be used by one side as an instrument for exerting political pressure in the negotiating process. On the contrary, the presence of UNPROFOR was a precondition for facilitating a political solution. His delegation fully agreed with the Secretary-General’s assessment that resort to a military option would have incalculable consequences. It also shared the Secretary-General view that not all efforts towards the peaceful resolution of the conflict had yet been exhausted. The Federal Republic of Yugoslavia was convinced that a three-phase policy was the only way to achieve peace. Building on the results of the ceasefire, negotiations should be speedily resumed on confidence-building measures and the re-establishment of economic relations and infrastructure, which would enable the Vance plan to be realized. The speaker further stated that the Federal Republic of Yugoslavia had given its full support to the Contact Group’s plan and had tried to convince the Bosnian Serb leadership to accept it. He hinted that a clear-cut, written agreement by the Contact Group that the Bosnian Serbs should have the equal right to establish confederal ties

⁵²² *Ibid.*, pp. 3-4.

with the Federal Republic of Yugoslavia would open the door for the Bosnian Serbs to agree to the Contact Group. Turning to the draft resolution before the Council, he expressed regret that it contained certain provisions which, he contended, dealt with issues that should not have been addressed in a “technical resolution” on the extension of the UNPROFOR mandate. In that respect, he referred in particular to the third and fifth preambular paragraphs, as well as to operative paragraphs 4, 5, 6, 10, 11, 13 and 14. He further contended that the provisions of operative paragraph 14 attempted to impose political solutions which were in “flagrant contravention” of the Vance plan, as the Vance plan provided that the political status of the protected areas should be resolved only after all of the plan’s provisions had been implemented.⁵²³

The draft resolution, as orally revised in its provisional form, was then put to the vote and adopted unanimously as resolution 947 (1994), which reads:

The Security Council,

Recalling all its previous relevant resolutions on the conflicts in the territory of the Former Yugoslavia, and reaffirming in this context its resolution 908 (1994) of 31 March 1994, on the mandate of the United Nations Protection Force,

Having considered the reports of the Secretary-General of 9 May and 17 September 1994,

Affirming its commitment to the search for an overall negotiated settlement of the conflicts in the Former Yugoslavia ensuring the sovereignty and territorial integrity of all the States there within their internationally recognized borders, and stressing the importance it attaches to the mutual recognition thereof,

Welcoming the continuing efforts of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia,

Welcoming also the efforts of Member States in the context of the Contact Group, and emphasizing the utmost importance of the work of the Contact Group and its role in the overall peace process in the area,

Recognizing that the major provisions of the United Nations peacekeeping plan for the Republic of Croatia and relevant Security Council resolutions, in particular resolution 871 (1993) of 4 October 1993, still remain to be implemented,

Stressing that the Force plays an essential role in preventing and containing hostilities and thus creating the conditions for achieving an overall political settlement,

Paying tribute to the Force personnel in the performance of the mandate of the Force, in particular in assisting the delivery of humanitarian assistance and monitoring the ceasefires,

Reiterating its determination to ensure the security of the Force and its freedom of movement in all its missions, and to these ends, as regards the Force in the Republic of Croatia and in the Republic of Bosnia and Herzegovina, acting under Chapter VII of the Charter of the United Nations,

1. *Welcomes* the report of the Secretary-General of 17 September 1994, and approves the proposals therein concerning the activities of the United Nations Protection Force in relation to mine clearance, public information and civilian police;

2. *Decides* to extend the mandate of the Force for an additional period terminating on 31 March 1995;

3. *Urges* all the parties and others concerned to cooperate with the Force in carrying out its mandate, to refrain from any hostile and provocative acts against Force personnel, and to ensure their security and their freedom of movement;

4. *Requests* the Secretary-General to report no later than 20 January 1995 on progress towards the implementation of the United Nations peacekeeping plan for the Republic of Croatia and all relevant Security Council resolutions, taking into account the position of the Croatian Government, and decides to reconsider the mandate of the Force in the light of that report;

5. *Also requests* the Secretary-General, in the light of resolution 871 (1993), to include in that report information on progress towards (a) opening the road and railway communications with the United Nations Protected Areas and the rest of the Republic of Croatia, (b) establishing the water and electricity supply in all regions of Croatia for the mutual benefit of all its citizens, and (c) opening the Adriatic pipeline;

6. *Invites* the Secretary-General to update his report submitted pursuant to Security Council resolution 838 (1993) of 10 June 1993 and to expand it as appropriate to cover other areas where the Force is deployed;

7. *Affirms* the right of all displaced persons to return voluntarily to their homes of origin in safety and dignity with the assistance of the international community;

8. *Reaffirms its support* for the established principle that all statements or commitments made under duress, particularly those regarding land and ownership, are null and void;

9. *Calls on* all parties and others concerned fully to comply with all Security Council resolutions regarding the situation in the Former Yugoslavia and concerning in particular the Force in Croatia, to create the conditions that would facilitate the full implementation of its mandate;

10. *Expresses its concern* that the necessary arrangements, including, where appropriate, agreements on the

⁵²³ Ibid., pp. 4-6.

status of forces and other personnel, have not yet been concluded by the Republic of Croatia, the Former Yugoslav Republic of Macedonia and the Federal Republic of Yugoslavia (Serbia and Montenegro), and calls upon them to conclude such arrangements without delay;

11. *Requests* the Secretary-General to keep the Council regularly informed on progress with regard to the implementation of the mandate of the Force, and to report, as necessary, on any developments on the ground and other circumstances affecting the mandate of the Force;

12. *Urges* the Bosnian Serb party fully to respect the territorial integrity of the Republic of Croatia and to refrain from any actions that are threatening its security;

13. *Also urges* that the pilot project described in paragraph 39 of the report of the Secretary-General of 17 September 1994 be put into effect as soon as possible;

14. *Declares* that the restoration of the authority of the Republic of Croatia in the “pink zones”, to the extent that it is compatible with the 29 March 1994 ceasefire agreement, must be accomplished under the close supervision of the Force, and in such a manner as to avoid any further destabilization of the region;

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

Speaking after the vote, the representative of France contended that without UNPROFOR there would have been increased suffering for the civilian population, increased movements of refugees and irreversible developments on the ground that would have confronted the international community with an insoluble problem. While acknowledging that more could have been done, he pointed out that UNPROFOR had neither the mandate nor the military means to impose peace. The speaker further stated that UNPROFOR had reached a turning point in its history. Either a dynamic for peace would gain strength in the coming weeks, or, on the contrary hope of a negotiated settlement would fade, and then decisions would inevitably have to be taken involving the withdrawal of UNPROFOR. Thus that was undoubtedly the last time that the Council would be extending the UNPROFOR mandate in a routine manner. In the next stage, which would be crucial, UNPROFOR would have to strive to ensure strict implementation of the Council’s decisions, particularly those concerning safe areas. That might imply the use of force, if necessary, especially to ensure respect for the exclusion zones. The Government of France therefore hoped that explicit

instructions along those lines would be issued to the leaders of the Force.⁵²⁴

The representative of the Russian Federation stated that his delegation supported the resolution just adopted because it believed that UNPROFOR was playing an extremely important role in efforts to settle the conflicts in the former Yugoslavia. He cautioned that everything needed to be done to ensure that UNPROFOR did not become a party to the conflict or a “hostage” to the forces participating in it. He emphasized that the effectiveness of UNPROFOR depended to a large extent on the good will of the parties. In Croatia, it was clear that the unimpeded fulfilment by the Force of its mandate in the United Nations Protected Areas was the most important prerequisite for the implementation of the Vance plan. The Russian Federation also attached particular importance to the continued efforts of the countries of the Contact Group to develop their cooperation with the Security Council. It was important to increase pressure on all parties to promote a comprehensive peace settlement. Such a settlement should be based on a territorial arrangement and on constitutional principles placing all parties on an equal footing.⁵²⁵

The representative of New Zealand welcomed the Council’s decision to extend the UNPROFOR mandate for a further six months. He cautioned, however, that if UNPROFOR were to continue to be supported, the status quo could not be continued. He therefore urged the parties to reinvigorate the progress towards implementation of the peace plan. Recalling that the Council had adopted the previous week a series of measures, the speaker noted that those measures needed to be followed up with further specific steps. First, there should be early recognition of Bosnia and Herzegovina and Croatia. Secondly, there needed to be firm and united resolve on the part of UNPROFOR and NATO to use force where warranted for the protection of the safe areas and the enforcement of the exclusion zones. Thirdly, the “strangulation” of Sarajevo must cease. Fourthly, the progressive withdrawal of the Bosnian Serbs to positions consistent with the territorial settlement proposal should be pursued. The speaker also observed that the resolution just adopted was less specific than his delegation would have liked on the question of the mutual recognition of

⁵²⁴ *Ibid.*, pp. 6-7.

⁵²⁵ *Ibid.*, p. 8.

international boundaries in the region of the former Yugoslavia. He emphasized that it was the view of his delegation that mutual recognition should be the starting point for the overall settlement of the conflict in the former Yugoslavia.⁵²⁶

The representative of the United States observed that, in Bosnia, the most important development had been the Contact Group's presentation of its territorial proposal to the parties. Unfortunately, while the Bosnian Federation had accepted the proposal, the Bosnian Serbs had not. The United States would continue to demand that the Bosnian Serbs accept the proposal, which represented the best opportunity for a just and equitable settlement to the conflict. Just a week earlier, with its adoption of a resolution tightening sanctions against the Bosnian Serbs, the Council had reminded the Bosnian Serbs that their continuing "obstinacy" was incurring substantial costs. In respect of the situation in Croatia, the United States Government strongly supported the basic precept, reflected in the resolution just adopted, that a settlement of the conflict must be in conformity with Croatia's sovereignty and territorial integrity. The speaker also expressed her Government's concern at the increasing violations of the exclusion zones, as well as its commitment to their strict enforcement. She expressed confidence that, should strict enforcement continue to be necessary, UNPROFOR would work closely with NATO to ensure that the intent of the Council to protect the safe areas was carried out. Before concluding, she noted that the resolution just adopted lay upon the parties — and her Government interpreted that to refer especially to the Serb party — the responsibility to create the conditions that would allow UNPROFOR to fulfil its mandate.⁵²⁷

**Decisions of 31 March 1995 (3512th meeting):
resolutions 981 (1995), 982 (1995) and
983 (1995)**

On 22 March 1995, pursuant to resolution 947 (1994), the Secretary-General submitted to the Council a report on UNPROFOR.⁵²⁸ The report was intended, in conjunction with the report of the Secretary-General dated 14 January 1995, to assist the Council in its consideration of the mandate of UNPROFOR. It contained an overview of the activities of the Force, as

well as the Secretary-General's proposals for its future mandate.

The Secretary-General recalled that, in his interim report of 14 January 1995, he had noted that, despite the earlier inability of UNPROFOR to fulfil important parts of its mandate under the United Nations peacekeeping plan in Croatia, the successful implementation of the ceasefire agreement of 29 March 1994 and the conclusion of the economic agreement on 2 December 1994 had been positive steps towards confidence-building and reconciliation. He had expressed disappointment that the potential for success through the three-step approach — cessation of hostilities, economic normalization and political negotiations — had not been fully explored before the decision of the Government of Croatia on 12 January 1995 to withdraw its support for the continuing role of UNPROFOR. The Secretary-General therefore welcomed the announcement on 12 March 1995 by Croatia's President that he had agreed to the retention of UNPROFOR.⁵²⁹ The maintenance of a reduced force in Croatia under a new mandate thus seemed the only way to reduce the risks of a renewed major war, while permitting continued progress in implementing the economic agreement and beginning political negotiations. He had instructed his Special Envoy to conduct negotiations with the parties on the mandate of a future United Nations peacekeeping force in Croatia. The gulf between the positions of the Government of Croatia and the Krajina Serb authorities on the role and functions of the new force remained wide. Further negotiations were necessary. The Secretary-General was, however, able to report the basis could be established for agreement that the mandate should include the following: (a) support for the implementation of the ceasefire agreement of 29 March 1994; (b) support for the implementation of the

⁵²⁹ In the announcement the President of Croatia stated that his country would seek to negotiate a new mandate for an international presence in Croatia that would (a) control the international borders between Croatia and the Federal Republic of Yugoslavia and between Croatia and Bosnia and Herzegovina; (b) control access and communications for UNPROFOR and other international humanitarian operations to Bosnia through territory not under the control of Croatia; and (c) facilitate the continued implementation of existing and future agreements and the relevant Security Council and General Assembly resolutions. In the meantime, the Government of Croatia agreed to the continuation of the current force.

⁵²⁶ *Ibid.*, pp. 8-9.

⁵²⁷ *Ibid.*, pp. 9-10.

⁵²⁸ S/1995/222 and Corr.1 and 2.

economic agreement of 2 December 1994; and (c) implementation of these elements of the existing United Nations peacekeeping plan for Croatia that were accepted by both parties as having continuing relevance. In addition to that “core mandate”, the new force would continue to perform functions arising from the accord on the Prevlaka peninsula and from relevant resolutions of the Security Council, such as monitoring the “no-fly zone” and the extension of close air support in Croatia.

Concerning Bosnia and Herzegovina, the Secretary-General observed that the inability of UNPROFOR to deter attacks on Bihac had brought to the fore some of the key issues addressed in previous reports on the concept of safe areas. Until the Council was able to provide clear guidance on those matters, it was unlikely that the commitment of the parties or the Force’s performance in the safe areas would improve, and there was a danger that situations such as that in Bihac would recur. The Secretary-General further noted that the current impasse on the Contact Group’s proposal had created a vacuum in which the Force had little or no political context for the pursuit of local initiatives, and the parties had little or no incentive to cooperate. He appealed to the members of the contact Group to renew their efforts to fill the current vacuum.

Regarding the former Yugoslav Republic of Macedonia, the Secretary-General suggested that the Council might wish to call, in the context of Article 50 of the Charter, for increased international economic support to be provided to the former Yugoslav Republic of Macedonia.

The Secretary-General further reported that the Governments of Bosnia and Herzegovina, Croatia and the former Yugoslav Republic of Macedonia had expressed the wish that the United Nations in their countries should be separate from UNPROFOR. He therefore proposed that UNPROFOR be replaced by three separate, but interlinked, peacekeeping operations: United Nations Peace Force — one in Croatia (UNPF-1), one in Bosnia and Herzegovina (UNPF-2), and one in the former Yugoslav Republic of Macedonia (UNPF-3).⁵³⁰

The Secretary-General accordingly recommended that the Security Council approve the following: (a) the

⁵³⁰ See S/1995/222, para. 84. These proposals were subsequently endorsed by the Council in resolution 981 (1995), paras. 1 and 2; resolution 982 (1995), para. 1; and resolution 983 (1995), para. 1.

restructuring of UNPROFOR into three forces, each with a mandate extending to 30 November 1995; (b) the negotiation, on the basis of the elements previously identified, of a new mandate and functions for UNPF-1, which would be significantly smaller than the existing UNPROFOR strength in Croatia; (c) the conversion of UNPROFOR in Bosnia and Herzegovina and the former Yugoslav Republic of Macedonia into UNPF-2 and UNPF-3, respectively, with the same responsibilities and composition as UNPROFOR had possessed in those Republics; (d) appeals to the respective Governments to conclude status-of-forces agreements with the United Nations and to grant it suitable broadcasting facilities;⁵³¹ and (e) the transfer to the three United Nations Peace Forces of the applicability of all relevant Security Council resolutions relating to the functioning of UNPROFOR in the territories of Croatia, Bosnia and Herzegovina and the former Yugoslav Republic of Macedonia, respectively.

At its 3512th meeting, on 31 March 1995, the Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina, Croatia and the former Yugoslav Republic of Macedonia, at their request, to participate in the discussion without the right to vote. The President (China) then drew the attention of the Council members to the text of three draft resolutions submitted by Argentina, the Czech Republic, France, Germany, Italy, the Russian Federation, the United Kingdom and the United States,⁵³² as well as to several other documents.⁵³³

⁵³¹ See S/1995/222, paras. 47-51. The appeal to facilitate suitable radio and television broadcasts for the United Nations was subsequently endorsed by the Council in resolution 981 (1995), para. 12; and resolution 982 (1995), para. 10.

⁵³² S/1995/242-244.

⁵³³ Letter dated 22 March 1995 from the representative of Yugoslavia addressed to the President of the Security Council (S/1995/214); letters dated 22, 28 and 29 March 1995, respectively, from the representative of Bosnia and Herzegovina addressed to the Secretary-General (S/1995/216, S/1995/227 and S/1995/245); letters dated 22, 27, 28 and 29 March 1995, respectively, from the representative of Croatia addressed to the Secretary-General (S/1995/221, S/1995/223, S/1995/229 and S/1995/232); letter dated 29 March 1995 from the representative of the former Yugoslav Republic of

The representative of Bosnia and Herzegovina charged that UNPROFOR had become a “substitute for real peacemaking” in his country. After three years of that imposed role, UNPROFOR must be judged a failure. Moreover, those behind the strategy of “usurping” UNPROFOR for the purpose of substituting it for peacemaking must be judged guilty also of allowing aggression and genocide to continue, of endangering international peace and security, and of betraying their responsibilities to the United Nations. He further contended that the Force’s limited success in providing humanitarian assistance was gradually eroding and that UNPROFOR’s mission was actually being brought into contradiction with efforts to bring about peace. For that reason, the delegation of Bosnia and Herzegovina had requested that the UNPROFOR mandate be comprehensively reviewed. The modalities and a time frame must be established for that review. Most important, the review should incorporate the contributions of the Security Council, of the troop contributors, of interested regional organizations and Member States. Referring to the situation in and around Sarajevo, the speaker argued that the “Blue Route” must be placed under United Nations protection, the Sarajevo airport access routes must be freed of roadblocks, and Sarajevo citizens must be liberated from snipers. Those requests were not new, nor did they require fresh Security Council action; authority already existed for such steps. All that was needed was the will to carry out that existing authority.

Referring to the report of the Secretary-General, the speaker requested that modalities be established to prevent further violations of Bosnia and Herzegovina’s territorial integrity and sovereignty by the Krajina Serbs, and he noted that Bosnia and Herzegovina supported Croatia’s efforts to have those borders sealed. He also argued that the international arms embargo restricted Bosnia and Herzegovina’s capacity for self-defence, making it even more dependent upon the international community’s responsibility for preserving international peace and security.⁵³⁴

Macedonia addressed to the Secretary-General (S/1995/236); and letter dated 30 March 1995 from the representative of Croatia, transmitting the text of a letter of the same date from the Deputy Prime Minister and Minister for Foreign Affairs of Croatia addressed to the President of the Security Council (S/1995/246).

⁵³⁴ S/PV.3512, pp. 2-5.

The representative of Croatia stated that UNPROFOR had contributed positively by keeping relative peace in Croatia and had given the international community time to establish a political framework and binding legal decisions that would assist in reintegrating the occupied territories and their residents into Croatia peacefully and in a manner consistent with Croatia’s sovereignty and territorial integrity. But its mission had fallen short because of the uncompromising resistance of the local Croatian Serbs and Belgrade. His Government emphasized that it had an exclusive right of veto in the upcoming negotiations over the operational definitions for the new arrangements within its sovereign territory granted by the Charter and the relevant resolutions. Croatia disputed the Vance plan per se as a legal basis for the new arrangement but remained committed to the unfulfilled humanitarian elements of the Vance plan.

His Government welcomed the draft resolution, which not only recognized Croatia’s sovereignty over its occupied territories and defined its international borders, but also called for control and demarcation of those borders. The draft resolution gave the United Nations ample legal ground to control the relevant borders of Croatia. Croatia also attached the utmost importance to paragraph 3 (d), which should be thoroughly planned and effectively executed. It believed that a peaceful settlement in Croatia was possible only if that paragraph was strictly implemented. The border mechanism could be made effective by taking measures beyond those expressed in the Vance plan and by imposing punitive measures against violators, in the form of sanctions. He noted, in that regard, that the Council had already established in resolution 871 (1993) that the sanctions regime imposed against the Federal Republic of Yugoslavia could be linked to developments in the occupied territories in Croatia.

Croatia also welcomed operative paragraph 5 of the draft resolution, which stated that the final political solution in regard to the rights of the Croatian Serb minority must be consistent with the territorial integrity and sovereignty of Croatia. That paragraph, along with the third and fourth preambular paragraphs, confirmed and supported the territorial integrity of Croatia in its internationally recognized borders. Croatia hoped that both Knin and Belgrade would understand that message and would finally accept that the only way to achieve a solution to the problem of

the occupied territories was for Belgrade to recognize Croatia and for Knin to permit the peaceful reintegration of the occupied territories into the legal and administrative systems of Croatia. The speaker expressed the concern of his delegation that the draft resolution did not give enough consideration to the right of displaced persons and refugees to return to their homes. His delegation hoped that the upcoming report of the Secretary-General might mitigate those concerns.⁵³⁵

Speaking before the votes on the draft resolutions, the representative of Indonesia stated that Croatia's sovereignty and territorial integrity could not be compromised. That must also remain a guiding principle for the United Nations presence in Croatia and in Bosnia and Herzegovina. In relation to the new United Nations Confidence Restoration Operation in Croatia (UNCRO), he stressed the importance of controlling the manner in which military personnel, equipment, supplies and weapons crossed the international borders between Croatia and Bosnia and Herzegovina, and between Croatia and the Federal Republic of Yugoslavia. He also emphasized that the troop strength of UNCRO should be sufficient not only to implement the operation's mandate, but also to serve a deterrent function. Another important element of the UNCRO mandate was facilitating the delivery of humanitarian assistance to Bosnia and Herzegovina through Croatian territory. In relation to the operations in Bosnia and Herzegovina, the speaker noted that his delegation wished to draw attention to the past discrepancies between the UNPROFOR mandate and its implementation, and to emphasize the importance of effective implementation. In that connection, his delegation emphasized the importance of the tenth preambular paragraph of the second draft resolution on the need for Member States to take appropriate steps to enhance UNPROFOR's capacity to execute its mandate.⁵³⁶

The representative of Germany pointed out that the fact that a new mandate for the presence of the United Nations had become necessary was, in his delegation's view, a consequence of the obstructive attitude of the Croatian Serbs towards the United Nations peacekeeping plan for Croatia. Also the Serbian refusal to implement the Vance plan had

become a major problem for UNPROFOR in Croatia. The speaker welcomed the decision of the Croatian President to agree to a continued but modified presence of the United Nations. Germany shared the view of the Secretary-General that a three-phase process of negotiations — ceasefire; implementation of the Economic Agreement; and political negotiations — was the only practical path to durable peace. It welcomed the fact that that was also the basic approach underlying the mandate of UNCRO. He expressed concern at the continued refusal of the Government of the Federal Republic of Yugoslavia to recognize Bosnia and Herzegovina and Croatia, which he suggested was effectively blocking the peace process. Finally, the speaker stressed that close cooperation between the three peacekeeping operations and NATO would be essential.⁵³⁷

The representative of the Russian Federation stated that the adoption of a new mandate for the operation in Croatia was absolutely necessary, but was only a first step. The Secretary-General had work of the utmost importance to do on continuing the consultations on the implementation of the mandate and the modalities for the operation, all aspects of which had to be acceptable to both parties. The Government of Croatia and local Serb authorities must demonstrate a constructive attitude to the discussions. Turning to the situation in Bosnia and Herzegovina, the speaker urged the parties to abide strictly by the agreements on a ceasefire and the cessation of hostilities and to cooperate with UNPROFOR in carrying out the provisions of those agreements. He also urged the Bosnian Serbs to accept the Contact Group plan. He contended that the flare-up of hostilities in Bosnia and Herzegovina was linked to the illegal supplies of arms to the region, which were hardening the positions of the parties and creating the impression that the conflict could be resolved by military means. There must be a "clamp-down" in implementing the arms embargo against all the Republics of the former Yugoslavia, established by resolution 713 (1991). The Security Council must pay greater attention to the issue and the Committee on sanctions should take up the problem of the violations of the embargo, as the Council had instructed it to do. The Russian Federation attached particular importance to the fact that the Security Council, in reorganizing UNPROFOR and establishing three independent

⁵³⁵ Ibid., pp. 5-8.

⁵³⁶ Ibid., pp. 9-10.

⁵³⁷ Ibid., pp. 11-13.

peacekeeping operations, had taken the important decision to maintain a unified political and military command for the three operations.⁵³⁸

The first draft resolution⁵³⁹ was then put to the vote and adopted unanimously as resolution 981 (1995), which reads:

The Security Council,

Recalling all its previous relevant resolutions on the conflicts in the territory of the former Yugoslavia,

Having considered the report of the Secretary-General of 22 March 1995,

Affirming its commitment to the search for an overall negotiated settlement of the conflicts in the former Yugoslavia ensuring the sovereignty and territorial integrity of all the States there within their internationally recognized borders, and stressing the importance it attaches to the mutual recognition thereof,

Reaffirming its commitment to the independence, sovereignty and territorial integrity of the Republic of Croatia, including its rights and obligations in respect of control over its international trade,

Welcoming the continuing efforts of representatives of the United Nations, the European Union, the Russian Federation and the United States of America to facilitate a negotiated solution to the conflict in the Republic of Croatia, and reaffirming its call upon the Government of the Republic of Croatia and the local Serb authorities to enter into the negotiations, urgently and without preconditions, for such a settlement, making full use of the plan presented to them by those representatives,

Recognizing that major provisions of the United Nations peacekeeping plan for the Republic of Croatia remain to be implemented, in particular those regarding demilitarization of the areas under the control of the local Serb authorities, the return of all refugees and displaced persons to their homes and the establishment of local police forces to carry out their duties without discrimination against persons of any nationality in order to protect the human rights of all residents, and urging the parties to agree to their implementation,

Recognizing also that major provisions of relevant Security Council resolutions, in particular resolutions 871 (1993) of 4 October 1993 and 947 (1994) of 30 September 1994, still remain to be implemented,

Noting that the mandate of the United Nations Protection Force in the Republic of Croatia expires on 31 March 1995, in conformity with resolution 947 (1994),

Noting also the letter dated 17 March 1995 from the Permanent Representative of the Republic of Croatia to the

United Nations regarding his Government's views on the establishment of a United Nations peacekeeping operation in the Republic of Croatia,

Emphasizing that improved observance of human rights, including appropriate international monitoring thereof, is an essential step towards restoration of confidence between the parties and building a durable peace,

Reaffirming its determination to ensure the security and freedom of movement of personnel of United Nations peacekeeping operations in the territory of the former Yugoslavia, and, to these ends, acting under Chapter VII of the Charter of the United Nations,

1. *Welcomes* the report of the Secretary-General of 22 March 1995, and in particular approves the arrangements in paragraph 84 thereof;

2. *Decides* to establish under its authority the United Nations Confidence Restoration Operation in Croatia, which shall be known as UNCRO, in accordance with paragraph 84 of the above-mentioned report, for a period terminating on 30 November 1995, and requests the Secretary-General to take the measures necessary to ensure its earliest possible deployment;

3. *Decides* that, in accordance with the report of the Secretary-General, and based on the United Nations peacekeeping plan for the Republic of Croatia, relevant resolutions of the Security Council, the ceasefire agreement of 29 March 1994 between the Republic of Croatia and the local Serb authorities and the economic agreement of 2 December 1994 concluded under the auspices of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, the mandate of UNCRO shall include:

(a) Performing fully the functions envisaged in the ceasefire agreement of 29 March 1994;

(b) Facilitating implementation of the economic agreement of 2 December 1994;

(c) Facilitating implementation of all relevant Security Council resolutions, including the functions identified in paragraph 72 of the above-mentioned report;

(d) Assisting in controlling, by monitoring and reporting, the crossing of military personnel, equipment, supplies and weapons over the international borders between the Republic of Croatia and the Republic of Bosnia and Herzegovina, and the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) at the border crossings for which UNCRO is responsible, as specified in the United Nations peacekeeping plan for the Republic of Croatia;

(e) Facilitating the delivery of international humanitarian assistance to the Republic of Bosnia and Herzegovina through the territory of the Republic of Croatia;

⁵³⁸ Ibid., pp. 18-20.

⁵³⁹ S/1995/242.

(f) Monitoring the demilitarization of the Prevlaka peninsula in accordance with resolution 779 (1992) of 6 October 1992;

4. *Requests* the Secretary-General to continue his consultations with all concerned on the detailed implementation of the mandate outlined in paragraph 3 above and to report to the Council not later than 21 April 1995 for its approval;

5. *Decides* that UNCRO shall be an interim arrangement to create the conditions that will facilitate a negotiated settlement consistent with the territorial integrity of the Republic of Croatia and guaranteeing the security and rights of all communities living in a particular area of the Republic of Croatia, irrespective of whether they constitute in this area a majority or minority;

6. *Decides* that Member States, acting nationally or through regional organizations or arrangements, may take, under the authority of the Security Council and subject to close coordination with the Secretary-General and the United Nations Theatre Force Commander, using the existing procedures which have been agreed with the Secretary-General, all necessary measures to extend close air support to the territory of the Republic of Croatia in defence of UNCRO personnel in the performance of the UNCRO mandate, and requests the Secretary-General to continue to report to the Council on any use of close air support;

7. *Emphasizes* the responsibility of the parties and others concerned in the Republic of Croatia for the security and safety of UNCRO, and in this context demands that all parties and others concerned refrain from any acts of intimidation or violence against UNCRO;

8. *Calls upon* the Government of the Republic of Croatia and the local Serb authorities to refrain from the threat or use of force and to reaffirm their commitment to a peaceful resolution of their differences;

9. *Invites* the Secretary-General to report as appropriate and not less than every four months on progress towards a peaceful political settlement and the situation on the ground, including the ability of UNCRO to implement its mandate as described above, and undertakes in this connection to examine without delay any recommendations that the Secretary-General may make in his reports and adopt appropriate decisions;

10. *Calls upon* Member States to consider favourably requests by the Secretary-General for necessary assistance to UNCRO in the performance of its mandate;

11. *Stresses* the importance of the necessary arrangements, including agreements on the status of forces and other personnel, being concluded by the Republic of Croatia, calls upon it to agree to such arrangements without delay, and requests the Secretary-General to inform the Council of progress on this issue in the report mentioned in paragraph 4 above;

12. *Urges* the Government of the Republic of Croatia to provide suitable radio broadcasting frequencies and television broadcasting slots at no cost to the United Nations as described in paragraphs 47 to 51 of the report of the Secretary-General of 22 March 1995;

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

The second draft resolution⁵⁴⁰ was then put to the vote and adopted unanimously as resolution 982 (1995), which reads as follows:

The Security Council,

Recalling all its previous relevant resolutions on the conflicts in the territory of the former Yugoslavia, and reaffirming in this context its resolution 947 (1994) of 30 September 1994 on the mandate of the United Nations Protection Force and subsequent relevant resolutions,

Having considered the report of the Secretary-General of 22 March 1995,

Affirming its commitment to the search for an overall negotiated settlement of the conflicts in the former Yugoslavia ensuring the sovereignty and territorial integrity of all the States there within their internationally recognized borders, and stressing the importance it attaches to the mutual recognition thereof,

Reaffirming its commitment to the independence, sovereignty and territorial integrity of the Republic of Bosnia and Herzegovina,

Welcoming the continuing efforts of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia,

Welcoming also the efforts of Member States, in particular those of the Contact Group, and emphasizing the utmost importance of the work of the Contact Group in the overall peace process in the area,

Welcoming further the acceptance by the Government of the Republic of Bosnia and Herzegovina of the Contact Group peace plan,

Welcoming the agreements between the Bosnian parties on a ceasefire and on the complete cessation of hostilities in the Republic of Bosnia and Herzegovina, concluded on 23 and 31 December 1994, and the essential role the United Nations Protection Force plays in implementation of these agreements, and stressing the importance it places thereupon,

Wishing to encourage the efforts of the United Nations Protection Force, as part of its activities to facilitate an overall settlement of the conflict in the Republic of Bosnia and Herzegovina and as detailed in paragraphs 30 to 32 of the above-mentioned report of the Secretary-General, to help the

⁵⁴⁰ S/1995/243.

parties to implement the Washington agreements regarding the Federation of Bosnia and Herzegovina,

Recognizing the need for Member States to take appropriate steps to enhance the capacity of the United Nations Protection Force in the Republic of Bosnia and Herzegovina to execute its mandate as set out in the relevant resolutions of the Security Council, including providing the Secretary-General with all the resources authorized by previous resolutions of the Security Council,

Reiterating the importance of maintaining Sarajevo, the capital of the Republic of Bosnia and Herzegovina, as a united city and a multicultural, multi-ethnic and plurireligious centre, and noting in this context the positive contribution that agreement between the parties on the demilitarization of Sarajevo could make to this end, to the restoration of normal life in Sarajevo and to achieving an overall settlement, consistent with the Contact Group peace plan,

Noting that the United Nations Protection Force plays an essential role in preventing and containing hostilities, thus creating the conditions for achieving an overall political settlement, and paying tribute to all Force personnel, especially those who have given their lives for the cause of peace,

Noting also that the mandate of the United Nations Protection Force expires on 31 March 1995, in conformity with resolution 947 (1994),

Noting further the letter dated 29 March 1995 from the Permanent Representative of the Republic of Bosnia and Herzegovina to the United Nations addressed to the Secretary-General,

Noting the letter dated 17 March 1995 from the Permanent Representative of the Republic of Croatia to the United Nations regarding his Government's views on the continued presence of the United Nations Protection Force in the Republic of Croatia,

Paying tribute to the United Nations Protection Force personnel in the performance of the mandate of the Force, in particular in assisting the delivery of humanitarian assistance and monitoring the ceasefires,

Emphasizing that improved observance of human rights, including appropriate international monitoring thereof, is an essential step towards restoration of confidence between the parties and building a durable peace,

Reaffirming its determination to ensure the security of the United Nations Protection Force and freedom of movement for all its missions, and, to these ends, acting under Chapter VII of the Charter of the United Nations, as regards the Force in the Republic of Croatia and in the Republic of Bosnia and Herzegovina,

1. *Welcomes* the report of the Secretary-General of 22 March 1995, and in particular approves the arrangements contained in paragraph 84 thereof;

2. *Decides* to extend the mandate of the United Nations Protection Force in the Republic of Bosnia and Herzegovina for an additional period terminating on 30 November 1995, and further decides that all previous relevant resolutions relating to the Force shall continue to apply;

3. *Authorizes* the Secretary-General to redeploy before 30 June 1995 all United Nations Protection Force personnel and assets from the Republic of Croatia with the exception of those whose continued presence in the Republic of Croatia is required for United Nations Confidence Restoration Operation in Croatia, which is known as UNCRO, or for the functions referred to in paragraphs 4 and 5 below;

4. *Decides* that the United Nations Protection Force shall continue to perform fully the functions envisaged in the implementation of the ceasefire agreement of 29 March 1994 and the economic agreement of 2 December 1994 between the Republic of Croatia and the local Serb authorities and all relevant Security Council resolutions, including the functions identified in paragraph 72 of the report of the Secretary-General of 22 March 1995, and to facilitate the delivery of international humanitarian assistance to the Republic of Bosnia and Herzegovina through the territory of the Republic of Croatia until the effective deployment of UNCRO or 30 June 1995, whichever is sooner;

5. *Decides* that the United Nations Protection Force shall retain its existing support structures in the Republic of Croatia, including the operation of its headquarters;

6. *Emphasizes* the responsibility of the parties and others concerned in the Republic of Croatia and the Republic of Bosnia and Herzegovina for the security and safety of the United Nations Protection Force, and in this context demands that all parties and others concerned refrain from any acts of intimidation or violence against the Force;

7. *Reiterates* the importance it attaches to full compliance with the agreements between the Bosnian parties on a ceasefire and on a complete cessation of hostilities in the Republic of Bosnia and Herzegovina, calls upon them to agree to a further extension and implementation of these agreements beyond 30 April 1995 and to use that period to negotiate an overall peaceful settlement on the basis of the acceptance of the Contact Group peace plan as a starting point, and further calls upon the Bosnian Serb party to accept this;

8. *Calls upon* Member States to consider favourably requests by the Secretary-General for necessary assistance to the United Nations Protection Force in the performance of its mandate;

9. *Calls upon* all parties and others concerned to comply fully with all Security Council resolutions regarding the situation in the former Yugoslavia to create the conditions that would facilitate the full implementation of the mandate of the United Nations Protection Force;

10. *Notes with satisfaction* the progress made in the discussions between the Government of the Republic of Bosnia

and Herzegovina and the United Nations referred to in paragraph 49 of the report of the Secretary-General of 22 March 1995, and urges the Government of the Republic of Bosnia and Herzegovina to provide suitable radio broadcasting frequencies and television broadcasting slots at no cost to the United Nations for the purposes described in paragraphs 47 to 51 of that report;

11. *Requests* the Secretary-General to keep the Council regularly informed of progress with regard to the implementation of the mandate of the United Nations Protection Force and to report, as necessary, on any developments on the ground, the attitude of the parties and other circumstances affecting the mandate of the Force, and in particular to report within eight weeks of the adoption of the present resolution, taking into account, inter alia, the concerns raised by the members of the Council and issues raised by the Government of the Republic of Bosnia and Herzegovina;

12. *Urges* the Government of the Republic of Bosnia and Herzegovina to implement fully the provisions of the status-of-forces agreement of 15 May 1993 between that Government and the United Nations;

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

The third draft resolution⁵⁴¹ was then put to the vote and adopted unanimously as resolution 983 (1995), which reads:

The Security Council,

Recalling its resolution 795 (1992) of 11 December 1992 and all subsequent relevant resolutions,

Affirming its commitment to the search for an overall negotiated settlement of the conflicts in the former Yugoslavia ensuring the sovereignty and territorial integrity of all the States there within their internationally recognized borders, and stressing the importance it attaches to the mutual recognition thereof,

Reaffirming its commitment to the independence, sovereignty and territorial integrity of the former Yugoslav Republic of Macedonia,

Recalling its concern about possible developments which could undermine confidence and stability in the former Yugoslav Republic of Macedonia or threaten its territory,

Welcoming the positive role played by the United Nations Protection Force in the former Yugoslav Republic of Macedonia, and paying tribute to the personnel of the Force in the performance of its mandate in the former Yugoslav Republic of Macedonia,

Taking note of the report of the Secretary-General of 22 March 1995,

⁵⁴¹ S/1995/244.

1. *Welcomes* the report of the Secretary-General of 22 March 1995, and in particular approves the arrangements contained in paragraph 84 thereof;

2. *Decides* that the United Nations Protection Force within the former Yugoslav Republic of Macedonia shall be known as the United Nations Preventive Deployment Force, with the mandate set out in paragraph 85 of the report of the Secretary-General of 22 March 1995, and that the mandate of the United Nations Preventive Deployment Force shall continue for a period terminating on 30 November 1995;

3. *Urges* the United Nations Preventive Deployment Force to continue the current cooperation between the United Nations Protection Force and the mission of the Organization for Security and Cooperation in Europe;

4. *Calls upon* Member States to consider favourably requests by the Secretary-General for necessary assistance to the United Nations Preventive Deployment Force in the performance of its mandate;

5. *Requests* the Secretary-General to keep the Council regularly informed of any developments on the ground and other circumstances affecting the mandate of the United Nations Preventive Deployment Force;

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

Speaking after the vote, the representative of the United States stated that the creation of the new force in Croatia underlined the Council's commitment to the sovereignty and territorial integrity of that country within its internationally recognized borders. His Government was concerned that goods were crossing those borders in violation of paragraph 12 of resolution 820 (1993), without Croatia's permission or knowledge. In Bosnia, his Government was concerned by the recent violations of the ceasefire. With regard to Bosnia and Herzegovina, the speaker noted that the presence of United Nations forces there was not an end in itself: to have meaning, it must contribute to political progress. Such progress was dependent, in turn, on the will of the parties. Here the responsibilities for failure rested on the Bosnian Serb party for its unwillingness to enter into negotiations on the basis of the Contact Group Plan. He stated that the changes to UNPROFOR acknowledged that the circumstances in the three countries differed and that specifically tailored mandates were required. At the same time, by retaining important links between the forces the Council was recognizing that tensions and conflict in the region were closely connected and that the efficiency of the operations was essential.⁵⁴²

⁵⁴² S/PV.3512, pp. 20-22.

The representative of France stated that the resolution just adopted, in relation to the situation in Croatia, should permit UNCRO to carry out several essential missions: implementation of the ceasefire agreement, the application of the Economic Agreement, and the monitoring of Croatia's international borders, which reflected the Council's concern that its sovereignty and territorial integrity be preserved. Keeping UNPROFOR in Bosnia and Herzegovina was not an end in itself. Its sole purpose was to facilitate the conclusion of a political settlement. Referring to the restructuring of UNPROFOR into three distinct operations, the speaker stated that his delegation was satisfied that the solution chosen preserved the unity of command and political leadership over the entire theatre, as well as the logistical and organizational interrelationship between the three Forces. His delegation believed that respect for that principle of unity strengthened both the security of the troops deployed and the means available to the United Nations. It emphasized that the theatre commander must continue to exercise full authority over all the Blue Helmets deployed throughout the territories of successor States to the former Yugoslavia. That meant that the civilian authorities under the Special Representative of the Secretary-General would not assume responsibilities within the chain of military command, and that the theatre commander would have full responsibility for the implementation of the three mandates entrusted to the United Nations forces.⁵⁴³

The representative of the United Kingdom noted that UNCRO would need to continue to monitor the ceasefire, which was vital to continued stability, and it would also need to facilitate the implementation of the Economic Agreement and monitor Croatia's internationally recognized borders. The United Kingdom remained fully committed to Croatia's sovereignty and territorial integrity. At the same time, it was essential that a satisfactory autonomous status and protection for individual rights be firmly established for the Krajina Serbs. The deployment of UNCRO would clear the way for further talks on economic normalization and on a political solution. In Bosnia, the United Kingdom appealed to all sides to show restraint and to cooperate with UNPROFOR in implementing the cessation-of-hostilities agreement, which should be extended in order to permit the political process to continue. The United Kingdom also

⁵⁴³ Ibid., pp. 22-23.

urged the parties to respond constructively to the proposals of the Contact Group.⁵⁴⁴

The President, speaking in his capacity as the representative of China, reiterated China's position that the sovereignty and territorial integrity of the States of the region should be respected. Settlement of the conflict would ultimately depend on the peoples of the region themselves and must be achieved through peaceful means, with the United Nations peacekeeping operations playing only a complementary role. China hoped that the division of UNPROFOR into three parts, as proposed by the Secretary-General, would give further impetus to the political settlement process. For those reasons, the Chinese delegation had voted in favour of the three resolutions just adopted. The President stated that the United Nations peacekeeping operations should conform strictly to the purposes and principles of the Charter and should enjoy the consent and support of the parties concerned. He also reiterated China's reservations in relation to enforcement action and the use of force in peacekeeping operations under Chapter VII of the Charter.⁵⁴⁵

**Decision of 16 June 1995 (3543rd meeting):
resolution 998 (1995)**

On 30 May 1995, pursuant to resolutions 982 (1995) and 987 (1995), the Secretary-General submitted to the Council a report on UNPROFOR.⁵⁴⁶

The Secretary-General reported that hostilities had intensified in and around Sarajevo, particularly after the expiry of the cessation-of-hostilities agreement on 1 May 1995, despite the persistent efforts of his Special Representative to obtain its renewal. That had led to the sustained use of heavy weapons by the two sides, increased civilian and UNPROFOR casualties and mounting calls for stricter enforcement of the exclusion zone. As previous measures had failed and as neither side had appeared ready to stop fighting, UNPROFOR had decided to use all available means to restore compliance with the Sarajevo agreement of February 1994. At the expiration of an ultimatum by UNPROFOR addressed to both parties, air strikes had taken place on 25 and 26 May 1995. Bosnian Serb forces had reacted by surrounding additional weapons collection points, taking United Nations military

⁵⁴⁴ Ibid., pp. 24-25.

⁵⁴⁵ Ibid., p. 28.

⁵⁴⁶ S/1995/444.

observers into custody and using a number of them as human shields and by cutting electricity to the city. A relative calm had eventually prevailed in Sarajevo at a high cost for UNPROFOR. The ability of UNPROFOR, however, to operate effectively throughout Bosnia and Herzegovina was seriously compromised.

The Secretary-General noted that UNPROFOR remained deployed in a war situation where there was no peace to keep. Its position was complicated by the fact that its original peacekeeping mandate, which could not be implemented without the cooperation of the parties, had gradually been enlarged to include elements of enforcement, which caused it to be seen as a party to the conflict. The safe-areas mandate, for instance, required it to cooperate and negotiate with a party upon whom it was also expected to call air strikes. Similarly, the United Nations had imposed sanctions upon one party, whilst at the same time sending out a Force that was obliged to work with the consent and cooperation of that party. The result was that Bosnian Serb leaders had largely withdrawn their consent and cooperation from UNPROFOR, declaring that they were applying their own “sanctions” to the United Nations in response to United Nations sanctions on them. As a result of those contradictions, UNPROFOR found itself in an intolerable predicament. Urgent measures needed to be taken to release the hostages, to adapt the UNPROFOR mandate and its implementation to the political and operational realities on the ground and to relaunch the peace process.

The Secretary-General presented four options as to the future role of UNPROFOR: withdraw UNPROFOR, leaving only a small political mission, if the parties so wished; retain its existing tasks and methods; change the existing mandate to permit the greater use of force; or revise the mandate to include only those tasks that a peacekeeping operation could realistically be expected to perform in the circumstances prevailing in Bosnia and Herzegovina. The Secretary-General was of the opinion that the fourth option would give UNPROFOR a realistic mandate.

By a letter dated 9 June 1995 addressed to the President of the Security Council,⁵⁴⁷ the Secretary-General conveyed a proposal by the Governments of France, the Netherlands and the United Kingdom to

⁵⁴⁷ S/1995/470 and Add.1.

provide military reinforcements for UNPROFOR in order to reduce the vulnerability of its personnel and enhance its capacity to carry out its mandate.⁵⁴⁸ The three Governments had made it clear that their intention was that the reinforced UNPROFOR would continue to be a peacekeeping mission. The Secretary-General noted that the proposal would provide the Commander of UNPROFOR with well-armed and mobile forces, with which to respond promptly to threats to United Nations personnel. He therefore recommended that the Security Council accept the proposal, as it would enhance the ability of UNPROFOR to continue its humanitarian efforts, with less danger to its personnel. In order to accommodate the additional troops that would be required under the reinforcements, the Council would need to increase the authorized UNPROFOR troop levels by 12,500.

At its 3543rd meeting, on 16 June 1995, the Council included the above-mentioned report and letter in its agenda. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina, Croatia, Egypt, Malaysia and Turkey, at their request, to participate in the discussion without the right to vote. The President (Germany) then drew the attention of the Council members to the text of a draft resolution submitted by the Czech Republic, France, Germany, Honduras, the Netherlands, Oman and the United Kingdom.⁵⁴⁹ He also read out a revision that had been made to the draft in its provisional form, and referred to several other documents.⁵⁵⁰

The representative of Bosnia and Herzegovina stated that the measures offered to his country by the United Nations, which had helped to sustain its people, had almost totally “evaporated”. Sarajevo, Srebrenica, Zepa, Gorazde and Bihac were being denied any humanitarian assistance, and the “stranglehold” was

⁵⁴⁸ S/1995/470, annex.

⁵⁴⁹ S/1995/478.

⁵⁵⁰ Identical letters dated 12 June 1995 from the representative of Morocco addressed to the Secretary-General and the President of the Security Council (S/1995/477); letter dated 12 June 1995 from the representative of Kazakhstan addressed to the Secretary-General (S/1995/480); and letter dated 14 June 1995 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council, transmitting the text of a letter of the same date from the Minister for Foreign Affairs of Bosnia and Herzegovina addressed to the President of the Security Council (S/1995/483).

tightening without response. Furthermore, Serbian forces had become so emboldened as to take United Nations personnel as human shields. In addition, the exclusion zone was being violated by the Serbs and ignored by those who were obligated to enforce it. The Government of Bosnia and Herzegovina looked forward to the deployment of the rapid-reaction force and expected that it would enable the United Nations mission to be fully and faithfully implemented.⁵⁵¹

The representative of Malaysia stated that by taking United Nations peacekeepers hostage and defying Security Council resolutions, the Bosnian Serbs were giving the impression that the United Nations, and in particular the Security Council, was ineffective in addressing a threat to international peace and security. His delegation did not agree with the attempt to characterize UNPROFOR as merely a peacekeeping operation and to downplay the Force's mandate relating to its enforcement responsibilities. The UNPROFOR mandate had been clearly spelled out in the relevant Security Council resolutions, including in the context of Chapter VII of the Charter and its enforcement. He further stated that the existing mandate was suffering from a lack of implementation, and UNPROFOR should be provided with the means necessary for its full implementation. Of the four options proposed by the Secretary-General, the Malaysian delegation favoured option C, being of the view that assertive action could be taken without changing the existing mandate. It did not agree that option D was the way to move forward and argued that that option would weaken the UNPROFOR mandate rather than strengthen it. Malaysia welcomed the establishment of the rapid reaction capacity to assist UNPROFOR in the robust implementation of its mandate. The rapid reaction capacity should also be used for the protection of the civilian population, particularly in the safe areas, with air support from NATO, in addition to the protection of UNPROFOR personnel. The rapid reaction capacity should also establish land corridors for humanitarian aid. It was also necessary to withdraw the United Nations military observers, who had become "pawns" in the Serb strategy to embarrass the United Nations. Malaysia also stressed the need for security guarantees for the Bosnian Government in terms of its right to self-

⁵⁵¹ S/PV.3543, pp. 2-3.

defence, as provided for in the Charter, including by lifting the arms embargo.⁵⁵²

The representative of Egypt commented on some aspects of the Secretary-General's report. First, in order to ensure the credibility of the United Nations and to force the Serb party to respect international legality, the provisions of the Charter should be applied, and the resolutions of the Council should be implemented. Secondly, the international community must not accept the demilitarization of the safe areas. While the purpose of the safe area was to provide international protection for the territories and their population, their demilitarization would mean that they would be under the Serb forces' domination if the international forces withdraw or were unable to ensure their defence. Thirdly, the options available to the Council must be studied in the light of the detailed information contained in the report, because the four operations could not be studied in isolation from other options and possibilities. The third option would presuppose a strengthening of the mandate, but it would also mean modifying that mandate. That was not possible because the current mandate of UNPROFOR was sufficient. Lastly, Egypt supported the conclusions of the Secretary-General that the international mediation efforts had come to a standstill, and that the Council should therefore reassess the situation and adopt another initiative to relaunch the peace process.⁵⁵³

The representative of Croatia stated that his country welcomed the establishment of the rapid reaction force and was ready to provide logistical support. It was Croatia's understanding that, while the rapid reaction force would use some command and logistic facilities on the territory of Croatia, its theatre of operation would be exclusively on the territory of Bosnia and Herzegovina. The Government of Croatia was of the firm view that any operational use of the rapid reaction force on Croatian territory could proceed only with its prior consent.⁵⁵⁴

The representative of Turkey stated that the international community was committed, under General Assembly and Security Council resolutions, to preserving the territorial integrity, unity and independence of Bosnia and Herzegovina. He noted

⁵⁵² *Ibid.*, pp. 3-5.

⁵⁵³ *Ibid.*, pp. 5-6.

⁵⁵⁴ *Ibid.*, pp. 6-7.

that almost all of the Security Council resolutions on Bosnia and Herzegovina referred to Chapter VII of the Charter and he contended that UNPROFOR had been established as a protection force and had therefore never been a traditional peacekeeping force. It was the strong conviction of his Government that UNPROFOR should be reinforced so that it could implement its existing mandate robustly and in full. Noting that the Force's commitment to protect the safe areas pursuant to resolutions 824 (1993) and 836 (1993) had yet to be carried out, he argued that UNPROFOR needed to be strengthened in such a way as to enable it to act vigorously to deter attacks on the safe areas. His delegation also supported the establishment of the rapid reaction force.⁵⁵⁵

Speaking before the vote, the representative of Nigeria observed that, although all arguments seemed to militate in favour of a total withdrawal of the United Nations from Bosnia and Herzegovina, there was agreement that Bosnia should not be abandoned, that humanitarian assistance must continue to be rendered and that the civilian populations must be protected to the extent possible. There was also agreement that the war must be contained and that the credibility of the United Nations must not be allowed to suffer irreparably through a precipitate withdrawal. The Security Council's response to the report of the Secretary-General — to increase the number of troops in Bosnia to protect UNPROFOR better and enhance its ability to discharge its duties — did not answer some of the pertinent questions raised by the Secretary-General. Nigeria would go along with the draft resolution, however, due to its belief that countries in the region had a primary responsibility to resolve the crisis, and in the light of its commitment not to abandon Bosnia as it tried to defend its sovereignty and territorial integrity. The Government of Nigeria also hoped that initiatives on the diplomatic political track would resume and would be pursued with vigour.⁵⁵⁶

The representative of the Russian Federation stated that, while measures must be taken to prevent attacks against United Nations personnel, the main lessons to be drawn from the Bosnian crisis were that the use of force was not a panacea, and that decisive action was needed to achieve a breakthrough for a political settlement. In principle, the Russian

Federation favoured enhancing the security of United Nations personnel, including through providing UNPROFOR with a rapid reaction capability. Strengthening the Force's ability to protect the lives and safety of its peacekeepers, however, should in no way make them a party to the conflict. Referring to the draft resolution, the speaker noted that it was of paramount importance that it called for the maintenance of the impartial, peacekeeping nature of UNPROFOR. He further noted that the sponsors of the draft resolution did take into account several proposals by the Russian Federation. The draft resolution, however, did not manage to avoid the impression that the rapid reaction force was intended to operate against one of the Bosnian parties. While sharing the anger of others over the inadmissible acts that had been committed by the Bosnian Serbs, his delegation could not fail to note that the Government of Bosnia and Herzegovina bore responsibility for provocations, for violating agreements and for direct attacks on UNPROFOR. His delegation had also proposed a reference to the inadmissible violations of the arms embargo in the former Yugoslavia, but it had not been incorporated. The Security Council must take genuine steps to put an end to such violations. The Russian Federation was also concerned at the haste with which the draft resolution had been brought before the Council, meaning that the Council had not had time to agree on reliable guarantees against attempts to use the rapid reaction force to involve UNPROFOR in the conflict. In the light of those circumstances, the Russian Federation would be forced to abstain in the voting.⁵⁵⁷

The representative of Indonesia stated that his delegation endorsed the paramount objective of the draft resolution, which was to provide UNPROFOR with the necessary means to implement its mandate. The establishment of the rapid reaction force was an important step in pursuing that objective. Although the support and cooperation of the parties was a prerequisite for any peacekeeping operation, in the case of Bosnia and Herzegovina that requirement had been manipulated by the Bosnian Serbs, thereby eroding the authority of UNPROFOR. It was necessary to address such tactics with decisiveness, in order to ensure the effective implementation of Security Council resolutions. The deployment of a rapid reaction force should enhance the capability of

⁵⁵⁵ Ibid., pp. 7-8.

⁵⁵⁶ Ibid., pp. 8-9.

⁵⁵⁷ Ibid., pp. 9-11.

UNPROFOR to ensure the security of the civilian population in the safe areas, which was one of its most important tasks. While his delegation was cognizant of the calls for the demilitarization of safe areas as a means to enhance the protection of the civilian population therein, it believed, however, that demilitarization which was confined to the safe areas was inherently unjust. It was tantamount to depriving the victims of the necessary means to protect themselves while leaving the aggressors free to continue and intensify their attacks from the surrounding areas. It was in that context that the Non-Aligned Movement caucus had proposed that demilitarization based on mutual agreements should apply not only to safe areas, but also to their immediate surroundings. The speaker further emphasized that the demilitarization of the safe areas and their surrounding areas should be carried out with due regard for the need to respect the sovereignty, territorial integrity and political independence of Bosnia and Herzegovina, in accordance with the Charter of the United Nations, including its right to defend itself.⁵⁵⁸

The representative of Honduras stated that the purpose of UNPROFOR was to keep the peace, not to impose it. A revision of the Force's mandate in order to allow it to take military action without the cooperation of one of the parties or to ensure the protection of its own personnel was not a viable possibility. His delegation supported the proposal for the integration of a rapid reaction force under United Nations command and available to UNPROFOR, not only because its objective was to strengthen the Force's capacity to fulfil its mandate, but also because it would enable UNPROFOR to continue as a peacekeeping operation. Referring to the question of the safe areas, the speaker argued that the military presence of the parties in the "safe areas" was totally inconsistent with the fundamental principles that should govern those areas. His delegation therefore agreed with the provisions of the draft resolution relating to the need to demilitarize the safe areas by mutual agreement.⁵⁵⁹

The representative of China stated that the establishment of the rapid reaction force under Chapter VII of the Charter was for the purpose of enforcement actions and therefore brought about a de facto change in the status of UNPROFOR. Once the force was put

into action, UNPROFOR was bound to become a party to the conflict, thus depriving it of its status as a peacekeeping force. The establishment of the rapid reaction force would also increase substantially the peacekeeping expenditure of the United Nations. Given that the United Nations was experiencing a financial crisis, it was all the more necessary for the Security Council to act within the means available to it, without wilfully increasing the burden of the States Members of the United Nations. It was neither appropriate nor desirable to finance the establishment of the rapid reaction force from the United Nations peacekeeping budget. The Chinese delegation could not support the draft resolution, since many of its elements ran counter to its principled position. Taking into account, however, the fact that many developing countries wished the Security Council to take appropriate measures to alleviate the situation in Bosnia and Herzegovina, as well as the fact that the draft resolution stressed the importance of a political settlement and of protecting the security of United Nations personnel, and as the draft had incorporated some of its proposed amendments, China would abstain from the subsequent vote.⁵⁶⁰

The representative of the Czech Republic stated that the draft resolution preserved the peacekeeping nature of UNPROFOR. It was easy to argue that there was no peace to keep in Bosnia and Herzegovina. The important aspect, however, was that, peace or not, UNPROFOR was not turning into a peacemaking or a peace-enforcement operation. The Czech delegation was satisfied that Chapter VII of the Charter was invoked only in the context of the Force's self-defence and freedom of movement. The Security Council would therefore be emphasizing once more, through the draft resolution, that peaceful negotiations, not war, were the way to settle the conflict.⁵⁶¹

The representative of the United States stated that her Government supported the deployment of a rapid reaction force for the purpose of defending UNPROFOR personnel and enabling the peacekeeping mission to fulfil its mandate in a more robust and successful fashion. However, because of the enormous cost of UNPROFOR and the existing budgetary situation in Washington, the United States could not agree to funding the rapid deployment force through

⁵⁵⁸ Ibid., pp. 11-12.

⁵⁵⁹ Ibid., pp. 12-13.

⁵⁶⁰ Ibid., pp. 13-14.

⁵⁶¹ Ibid., pp. 15-16.

the normal United Nations peacekeeping assessment process. Nevertheless, it stood ready to consider all reasonable alternatives.⁵⁶²

The draft resolution, as orally revised in its provisional form, was then put to the vote and adopted by 13 votes to none, with 2 abstentions (China, Russian Federation), as resolution 998 (1995), which reads:

The Security Council,

Recalling all its earlier relevant resolutions,

Reaffirming the mandate of the United Nations Protection Force as referred to in resolution 982 (1995) of 31 March 1995 and the need for its full implementation,

Having considered the report of the Secretary-General of 30 May 1995,

Having considered also the letter dated 9 June 1995 from the Secretary-General to the President of the Security Council and the annex thereto,

Noting that the rapid reaction force referred to in the above-mentioned letter will be an integral part of the existing United Nations peacekeeping operation and that the status of the United Nations Protection Force and its impartiality will be maintained,

Deeply concerned by the continuing armed hostilities in the territory of the Republic of Bosnia and Herzegovina,

Expressing its deep regret that the situation in the Republic of Bosnia and Herzegovina has continued to deteriorate and that the parties were not able to agree to a further ceasefire following the breakdown of the ceasefire agreement of 23 December 1994 and its subsequent expiration on 1 May 1995,

Gravely concerned that the regular obstruction of deliveries of humanitarian assistance, and the denial of the use of Sarajevo airport by the Bosnian Serb side threaten the ability of the United Nations in Bosnia and Herzegovina to carry out its mandate,

Condemning in the strongest possible terms all attacks by the parties on United Nations Protection Force personnel,

Condemning also the increasing attacks on the civilian population by Bosnian Serb forces,

Determined to enhance the protection of the United Nations Protection Force and to enable it to carry out its mandate,

Noting the letter dated 14 June 1995 from the Minister for Foreign Affairs of the Republic of Bosnia and Herzegovina addressed to the President of the Security Council, welcoming the reinforcement of the United Nations Protection Force,

Stressing the importance at this juncture of renewed efforts to achieve an overall peaceful settlement,

Underlining once again the urgent need for acceptance by the Bosnian Serb party of the Contact Group peace plan as a starting point, opening the way to the negotiation of such an overall peaceful settlement,

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

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

Determining that the situation in the former Yugoslavia continues to be a threat to international peace and security,

Reaffirming its determination to ensure the security of the United Nations Peace Forces/United Nations Protection Force and freedom of movement for the accomplishment of all its missions, and, to these ends, acting under Chapter VII of the Charter of the United Nations,

1. *Demands* that the Bosnian Serb forces release immediately and unconditionally all remaining detained United Nations Protection Force personnel, and further demands that all parties fully respect the safety of Force personnel and others engaged in the delivery of humanitarian assistance and ensure their complete freedom of movement;

2. *Emphasizes* that there can be no military solution to the conflict, stresses the importance it attaches to vigorous pursuit of a political settlement, and reiterates its demand that the Bosnian Serb party accept the Contact Group peace plan as a starting point;

3. *Calls upon* the parties to agree without further delay to a ceasefire and a complete cessation of hostilities in the Republic of Bosnia and Herzegovina;

4. *Demands* that all parties allow unimpeded access for humanitarian assistance to all parts of the Republic of Bosnia and Herzegovina and, in particular, to the safe areas;

5. *Demands also* that the Bosnian Serb forces comply immediately with the agreement of 5 June 1992 and ensure unimpeded access by land to Sarajevo;

6. *Demands further* that the parties respect fully the status of the safe areas and, in particular, the need to ensure the safety of the civilian population therein;

7. *Underlines* the need for a mutually agreed demilitarization of the safe areas and their immediate surroundings and the benefits this would bring to all parties in terms of the cessation of attacks on the safe areas and of launching military attacks therefrom;

8. *Encourages*, in this context, the Secretary-General further to intensify efforts aimed at reaching agreement with the parties on the modalities for demilitarization, taking particular

⁵⁶² Ibid., pp. 16-17.

account of the need to ensure the safety of the civilian population, and calls upon the parties to cooperate fully with these efforts;

9. *Welcomes* the letter dated 9 June 1995 from the Secretary-General on the reinforcement of the United Nations Protection Force and the establishment of a rapid reaction capacity to enable the United Nations Peace Forces/United Nations Protection Force to carry out its mandate;

10. *Decides* accordingly to authorize an increase in United Nations Peace Forces/United Nations Protection Force personnel, acting under the present mandate and on the terms set out in the above-mentioned letter, by up to 12,500 additional troops, the modalities of financing to be determined later;

11. *Authorizes* the Secretary-General to carry forward the implementation of paragraphs 9 and 10 above, maintaining close contact with the Government of the Republic of Bosnia and Herzegovina and others concerned;

12. *Requests* the Secretary-General, in taking any decisions with respect to the deployment of United Nations Protection Force personnel, to take full account of the need to enhance their security and minimize the dangers to which they might be exposed;

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

Speaking after the vote, the representative of the United Kingdom welcomed the resolution just adopted. The increase in reinforcements would provide United Nations commanders, for the first time, with a credible rapid reaction capability. He argued that it was clear that the UNPROFOR mission remained one of peacekeeping. Its purpose was to facilitate the delivery of humanitarian aid, to assist the parties in developing and implementing ceasefire agreements and to provide a “breathing space” for the political process. His Government was determined to do everything possible to ensure that UNPROFOR was able to remain in Bosnia. But, ultimately, whether it did so was up to the parties themselves, UNPROFOR could only be successful if it had the continued consent and cooperation of all sides. The speaker, however, warned that if the parties instead insist on embracing the military option, if UNPROFOR was prevented from carrying out its tasks or it faced unacceptable risks, then there might be no choice but to withdraw UNPROFOR. Turning to the draft resolution, he speaker noted that his delegation had accepted the addition of the words at the end of paragraph 10 because it understood the domestic political difficulties facing the United States at that time. He argued,

however, that the Security Council had no locus to take decisions on financial questions, as the Charter reserved to the General Assembly the responsibility for budgetary and financial matters. Therefore, the amendment of paragraph 10 could not change the financial procedures followed by the Organization.⁵⁶³

The representative of France stated that providing UNPROFOR with new means had a twofold objective, to assure the security of its personnel and to enable UNPROFOR to fulfil its mission. He emphasized that the Force’s nature would not change. The elements of the rapid reaction force would act in support of UNPROFOR within the framework of its mandate. The missions of that force would consist essentially of emergency actions to help isolated or threatened units to help in the redeployment of UNPROFOR elements in order to make them less vulnerable or facilitate their freedom of movement. He noted that the resolution contained a provision relating to the subsequent determination of the financial modalities and stated that his country understood that provision to mean that it was not up to the Council itself to establish the modalities for financing an operation upon which it had decided. In view of the serious difficulties faced by UNPROFOR on the ground, the Governments of France, the United Kingdom and the Netherlands, rather than electing to withdraw from Bosnia, had proposed that additional means be made available to the United Nations. The Government of France expected these new means to be used judiciously, but not weakly.⁵⁶⁴

The representative of Argentina stated that his delegation agreed with the Secretary-General that the peace process should be relaunched and intensified through new political initiatives. It therefore attached particular importance to paragraph 2 of the resolution just adopted. Referring to the rapid reaction force, the speaker argued that the use of force should be restricted to self-defence and should be engaged in with great care, lest the line between peacekeeping and peace enforcement be crossed.⁵⁶⁵

⁵⁶³ *Ibid.*, pp. 17-19.

⁵⁶⁴ *Ibid.*, pp. 19-20.

⁵⁶⁵ *Ibid.*, pp. 21-22.

**Decision of 19 August 1995 (3568th meeting):
statement by the President**

By a letter dated 17 August 1995 addressed to the President of the Security Council,⁵⁶⁶ the Secretary-General reported that his Special Representative for the former Yugoslavia and the UNPF/UNPROFOR Force Commander had undertaken consultations with the Governments of Bosnia and Herzegovina and Croatia, with a view to facilitating the deployment of the additional troops authorized by the Council under resolution 998 (1995) and the freedom of movement of the units of the rapid reaction force. Both Governments had taken the position that the additional troops were not part of the UNPF/UNPROFOR and were therefore not covered by the relevant status-of-forces agreement. The Governments further maintained that resolution 998 (1995) had been adopted after the conclusion of the status-of-forces agreement. The Special Representative had outlined the position of the United Nations, which was that the Council's decision to authorize the addition of the rapid reaction force did not exclude the expanded UNPF/UNPROFOR from the scope of the status-of-forces agreement. Once the Council had authorized a peacekeeping operation, it could at any time reduce or expand the strength of the operation, without having to conclude additional agreements. The Secretary-General warned that the position of the two Governments had delayed the deployment of the rapid reaction force, which could have serious consequences for the United Nations forces already deployed. Furthermore, the local Croat authorities in Bosnia and Herzegovina had been demanding that the United Nations sign an agreement with them governing the status of the rapid reaction force. The United Nations was of the view that the status-of-forces agreement was applicable throughout the entire territory, and it was not necessary to enter into such an agreement with the Federation of Bosnia and Herzegovina. The Special Representative had suggested to the Bosnian authorities that supplementary arrangements, as envisaged in article VIII of the existing status-of-forces agreement, be concluded to cover the issues in question. The United Nations would require that the supplementary arrangements contain a clause providing that, in the event of conflict between the supplementary arrangements and the status-of-forces agreement, the latter should prevail.

⁵⁶⁶ S/1995/707.

At its 3568th meeting, on 19 August, the Council included the above-mentioned letter in its agenda. Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina and Croatia, at their request, to participate in the discussion without the right to vote. The President (Indonesia) drew the attention of the members of the Council to a letter dated 18 August 1995 from the representative of Bosnia and Herzegovina addressed to the President of the Security Council⁵⁶⁷ and stated that, after consultations among members of the Security Council, he had been authorized to make the following statement on behalf of the Council:⁵⁶⁸

The Security Council is deeply concerned by the contents of the letter dated 17 August 1995 from the Secretary-General regarding the continued impediments to the functioning and deployment of the rapid reaction force established by resolution 998 (1995) of 16 June 1995. The Council reaffirms in this regard that the rapid reaction force is an integral part of the United Nations Peace Forces/United Nations Protection Force and that its deployment is crucial for the strengthening of the capacity of the United Nations Protection Force to carry out its mandate in the Republic of Bosnia and Herzegovina. It shares the Secretary-General's view that the existing status-of-forces agreements constitute an appropriate and sufficient basis for the presence of the United Nations Peace Forces/United Nations Protection Force, including the rapid reaction force. The Council is deeply concerned at the implications of the continued impediments to the functioning of the rapid reaction force for the effectiveness of the United Nations mission in the Republic of Bosnia and Herzegovina. It calls upon the Governments of the Republic of Croatia and the Republic of Bosnia and Herzegovina immediately to remove all impediments and to give clear undertakings concerning the freedom of movement and provision of facilities for the rapid reaction force, in order that it may perform its tasks without further delay. It further calls upon them to resolve forthwith within the framework of the existing status-of-forces agreements any outstanding difficulties with the relevant United Nations authorities. The Council supports fully the efforts of the Secretary-General in this matter and will return to this question in the light of a further report which the Council requests the Secretary-General to submit no later than 24 August 1995.

**Decision of 2 December 1993: letter from the
President to the Secretary-General**

By a letter dated 1 December 1993 addressed to the President of the Security Council,⁵⁶⁹ the Secretary-General referred to the senior-level staffing of the

⁵⁶⁷ S/1995/710.

⁵⁶⁸ S/PRST/1995/40.

⁵⁶⁹ S/26838.

United Nations peacemaking and peacekeeping efforts related to the former Yugoslavia. He recalled that in May 1993 Mr. Thorvald Stoltenberg had been appointed as both Special Representative of the Secretary-General and Co-Chairman of the Steering Committee of the International Conference on the Former Yugoslavia. At that time it had been hoped that the Vance-Owen plan for Bosnia and Herzegovina would shortly be agreed and that thereafter the main focus of United Nations activities in the former Yugoslavia would be implementation of that plan on the ground, together with continuing efforts to implement the Vance plan related to the United Nations Protected Areas in Croatia. However, as the members of the Council were aware, the Vance-Owen plan had not been accepted and Mr. Stoltenberg remained heavily engaged in continuing negotiations. That had left him insufficient time to carry out in full the functions of Special Representative of the Secretary-General and Chief of Mission of UNPROFOR. Accordingly, and after consulting Mr. Stoltenberg and contacting the heads of Government and other parties directly concerned in the former Yugoslavia, the Secretary-General had come to the conclusion that the resumption of negotiations in Geneva, following the meeting there between the Foreign Ministers of the European Union, the Co-Chairmen of the Steering Committee of the Conference and the parties on 29 November 1993, made it necessary to separate the functions of Co-Chairman of the Steering Committee and Special Representative. Therefore, it was the Secretary-General's intention that Mr. Stoltenberg should continue to serve as Co-Chairman and that Mr. Yasushi Akashi, until recently the Secretary-General's Special Representative for Cambodia, should be appointed to the post of Special Representative for the former Yugoslavia and Chief of Mission of UNPROFOR. The Secretary-General further stated that he had so informed the heads of Government and other parties directly concerned in the former Yugoslavia.

By a letter dated 2 December 1993,⁵⁷⁰ the President of the Security Council informed the Secretary-General of the following:

I have the honour to inform you that your letter dated 1 December 1993 concerning the staffing of the United Nations peace keeping and peacemaking efforts in the former Yugoslavia has been brought to the attention of the members of the Council.

⁵⁷⁰ S/26839.

They take note of the information contained in your letter and agree with the proposal mentioned therein.

E. Establishment of an international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia

Initial proceedings

Decision of 22 February 1993 (3175th meeting): resolution 808 (1993)

At its 3175th meeting, on 22 February 1993, the Security Council included the item entitled "Establishment of an international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia" in its agenda. The Council also included the following documents in its agenda: a letter dated 10 February 1993 from the representative of France addressed to the Secretary-General, transmitting the report of a Committee of French jurists set up to study the establishment of an international criminal tribunal to judge the crimes committed in the former Yugoslavia;⁵⁷¹ a letter dated 16 February 1993 from the representative of Italy addressed to the Secretary-General, forwarding a draft statute for a tribunal for war crimes and crimes against humanity committed in the territory of the former Yugoslavia;⁵⁷² and a letter dated 18 February 1993 from the representative of Sweden addressed to the Secretary-General, transmitting the decision by the States of the Conference on Security and Cooperation in Europe (CSCE) on a proposal for an international war crimes tribunal for the former Yugoslavia made by the Rapporteurs under the CSCE Moscow Human Dimension Mechanism to Bosnia and Herzegovina and Croatia.⁵⁷³

Following the adoption of the agenda, the Council invited the representatives of Bosnia and Herzegovina and Croatia, at their request, to participate in the discussion without the right to vote. The

⁵⁷¹ S/25266.

⁵⁷² S/25300.

⁵⁷³ S/25307.