

Underlining the need for full cooperation by States and entities with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, which constitutes an essential aspect of implementing the Peace Agreement,

Reminding the parties of the relationship between the fulfilment by them of their commitments in the Peace Agreement and the readiness of the international community to commit financial resources for reconstruction and development,

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

1. *Notes with satisfaction* that the elections called for in annex 3 of the Peace Agreement took place on 14 September 1996 in Bosnia and Herzegovina, and notes that their holding constituted an essential step towards achieving the objectives of the Peace Agreement;

2. *Decides*, in accordance with paragraph 4 of its resolution 1022 (1995), to terminate, with immediate effect, the measures referred to in paragraph 1 of that resolution;

3. *Calls upon* all parties to comply strictly with all their commitments under the Peace Agreement;

4. *Decides* to keep the situation under close review taking into account the reports submitted pursuant to paragraphs 25 and 32 of resolution 1031 (1995) of 15 December 1995 and any recommendations those reports might include;

5. *Also decides* to consider the imposition of measures if any party fails significantly to meet its obligations under the Peace Agreement;

6. *Further decides* to dissolve the Security Council Committee established pursuant to its resolution 724 (1991) of 15 December 1991 once its report has been finalized, and expresses its gratitude for the work of the Committee;

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

B. The situation in Croatia

Decision of 8 January 1996 (3617th meeting): statement by the President

On 21 December 1995, pursuant to resolution 1019 (1995), the Secretary-General submitted to the Security Council a report on measures taken by the Government of Croatia in implementing resolutions 1009 (1995) and 1019 (1995) from 23 August until November 1995.³ In his report, the Secretary-General stated that human rights violations in former Sectors

³ S/1995/1051.

North and South continued to be reported, although on a reduced scale. Moreover, there was a considerable discrepancy between the number of perpetrators that had been brought to justice and the number of reported violations of human rights. Croatian police officials had generally appeared to have displayed an unresponsive attitude to complaints against Croatian civilians and security personnel and, in many cases, had taken no action. He stated that the rights of Krajina Serbs to remain in their homes had not been adequately safeguarded and they had faced extensive harassment and intimidation. In addition, the rights of the Serb population that had fled during the military operation to return to their homes in safety and dignity were being seriously curtailed by the absence of constructive measures to facilitate their return. He emphasized that the humanitarian situation of the Serb population who had remained, consisting mainly of elderly and disabled people, was particularly disturbing, and stressed that many more might die during the winter if adequate assistance was not provided in a timely manner. Failure to respect the right to a fair trial of those Serbs who had remained and had been arrested on grounds of having committed "war crimes" or "armed rebellions" was also noted as a point of concern by the Secretary-General. Finally, the rights of the minority population in Croatia were being restricted by changes in the Constitution and new legal provisions, such as the law concerning the return and reclamation of property, were inhibiting the full enjoyment of human rights and fundamental freedoms. He underlined that it was necessary to ensure that the rights of the Serb minority were adequately safeguarded in the legal and constitutional framework of Croatia.

At its 3617th meeting, held on 8 January 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the report in its agenda. Following the adoption of the agenda, the President (United Kingdom), with the consent of the Council, invited the representative of Croatia, at his request, to participate in the discussion without the right to vote.

At the same meeting, the President made the following statement on behalf of the Council:⁴

The Security Council has considered the report of the Secretary-General of 21 December 1995 submitted pursuant to

⁴ S/PRST/1996/2.

its resolution 1019 (1995) of 9 November 1995 on Croatia, in particular the humanitarian situation and human rights violations described therein.

The Council strongly condemns the violations of international humanitarian law and human rights in the former sectors North and South in the Republic of Croatia, as described in the report of the Secretary-General, including killings of several hundreds of civilians, systematic and widespread looting and arson and other forms of destruction of property. The Council expresses its deep concern that there is a considerable discrepancy between the number of perpetrators that have so far been brought to justice and the number of reported violations of international humanitarian law and human rights. The Council urges the Government of the Republic of Croatia to make every effort to arrest all perpetrators and bring them to trial promptly.

The Council is disturbed by the humanitarian and security situation of the mostly elderly Serb population who have remained in the former sectors in the Republic of Croatia. The Council is gravely concerned at the information contained in the report on continuing extensive harassment and intimidation, looting of property and other forms of abuse. It reaffirms once again its demand that the Government of the Republic of Croatia take urgent measures to stop all such acts immediately and calls upon the Government to provide urgently needed food, medical assistance and proper shelter to the Serb population.

The Council reaffirms that all those who commit violations of international humanitarian law will be held individually responsible in respect of such acts. It recalls with dismay the failure to date of the Government of the Republic of Croatia to transfer to the custody of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, established pursuant to its resolution 827 (1993), persons indicted by the International Tribunal, and expresses its concern at the recent appointment of one of those indicted to a position in the Croatian Army. The Council reiterates that all States must cooperate fully with the International Tribunal and its organs.

The Council expresses its deep concern at the situation of the refugees from the Republic of Croatia who wish to return. The Council shares the view of the Secretary-General that the rights of the members of the Serb population who fled during the military operation to return to their homes in safety and dignity are being severely curtailed by the absence of constructive measures to facilitate their return. The Council reaffirms its demand that the Government of the Republic of Croatia respect fully the rights of the members of the local Serb population, including their right to remain, leave or return in safety, and demands that the Government create conditions conducive to the return of those persons and urgently establish procedures to facilitate the processing of requests by persons wishing to return. It also urges the Government of the Republic of Croatia to refrain from any measure which would adversely affect the exercise of the right to return.

The Council reaffirms its call upon the Republic of Croatia to lift any time limits placed on the return of refugees to reclaim their property. It notes the decision of the Government of the Republic of Croatia of 27 December 1995 to suspend the deadline set in the relevant Croatian law as a step in the right direction. The Council will follow closely whether the Republic of Croatia will lift any such time limit in a definitive manner.

The Council takes note with appreciation of the decision of the Government of the Republic of Croatia of 30 December 1995 to suspend criminal proceedings against and release 455 local Serbs detained on suspicion of armed rebellion. The Council calls upon the Government of the Republic of Croatia to take appropriate measures to ensure that the right to a fair trial of those Serbs who remained and have been arrested and accused of war crimes or armed rebellion is safeguarded.

The Council affirms that it is necessary to ensure that the rights of persons belonging to the Serb minority are adequately safeguarded in the legal and constitutional framework of the Republic of Croatia. It urges the Government of the Republic of Croatia to rescind its decision to suspend several articles of the 'Constitutional Law on Human Rights and Freedoms and the Rights of National and Ethnic Communities in the Republic of Croatia' as described in the report of the Secretary-General. The Council stresses that strict respect for the rights of persons belonging to the Serb minority will also be of great importance to the implementation of the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium of 12 November 1995.

The Council requests the Secretary-General to keep it regularly informed on the progress of measures taken by the Government of the Republic of Croatia to implement resolution 1019 (1995) and the demands set out in the present statement, requests the Secretary-General to report to it no later than 15 February 1996 on this matter and expresses its intention to act as appropriate.

The Council will remain seized of the matter.

Decision of 15 January 1996 (3619th meeting): resolutions 1037 (1996) and 1038 (1996)

At its 3619th meeting, held on 15 January 1996 in accordance with the understanding reached in its prior consultations, the President (United Kingdom), with the consent of the Council, invited the representative of Croatia, at his request, to participate in the discussion without the right to vote.⁵ The President, with the consent of the Council, also invited Mr. Jovanović, at his request, to address the Council in the course of the discussion. He also drew the attention of the Council to

⁵ For details see S/PV.3619 and chapter III.

an earlier report of the Secretary-General pursuant to Security Council resolution 1025 (1995).⁶

At the same meeting, the President further drew the attention of the Council to a draft resolution submitted by France, Germany, Italy, Poland, the Republic of Korea, the Russian Federation, the United Kingdom and the United States,⁷ and to a second draft resolution prepared in the course of the Council's prior consultations.⁸

At the same meeting, the President further drew the attention of the Council to the following other documents: letters dated 15 November 1995 and 10 January 1996, respectively, from the representative of Croatia addressed to the Secretary-General and the President of the Security Council, respectively, which expressed support for the deployment of United Nations military observers in the Prevlaka peninsula to be replaced by a regional arrangement;⁹ and a letter dated 11 January 1996 from the representative of the Federal Republic of Yugoslavia addressed to the President of the Security Council, requesting the Security Council to regulate the question of the further continuation of the United Nations monitoring mission in the disputed area pending the peaceful settlement of the dispute.¹⁰

The representative of Croatia stated that his Government understood the draft resolution as an expression of the Council's determination to go beyond passive protection of Croatia's territorial integrity within its internationally recognized borders and to actively restore Croatian sovereignty to the region of Eastern Slavonia, Baranja and Western Sirmium, through the work of the Transitional Administrator and the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES). He underlined that the demilitarization aspect of the UNTAES mandate was the most critical element for its success. He noted that there might be some resistance to it, but that this could be overcome by creating a programme of second-country resettlements for local occupation leaders and through

an active role on the part of the Government in Belgrade. That could begin with an immediate withdrawal of regular and paramilitary troops and assets from the region. He also stated that the Federal Republic of Yugoslavia had to move towards recognition of Croatia within its internationally recognized borders, in line with the Council's calls for such recognition. He noted that Croatia was also willing to do the same and recognize the Federal Republic of Yugoslavia. The momentum created by the rapid and assertive implementation of the Multinational Military Implementation Force (IFOR) mandate could benefit the demilitarization aspect of the UNTAES mandate and, therefore, his Government welcomed any form of linkages between the two missions. He emphasized the importance of operative paragraphs 5, 6 and 7 of the draft resolution, noting that his Government interpreted those paragraphs to mean that the Security Council would terminate the mandate of UNTAES, if the demilitarization aspect was not achieved and, at any other time, if any other significant aspect of the mandate failed to be implemented, particularly if 126,000 non-Serb displaced persons and refugees were unable to return to the region in a timely and meaningful manner. Commenting on the second draft resolution, he expressed support for it and noted that Croatia was pleased that the issue of the Prevlaka peninsula was addressed in a separate document. He noted that the draft resolution recognized that the Prevlaka peninsula was an integral part of Croatia and opened a door for establishing a new monitoring arrangement in the area. He reiterated that, while the question of the Prevlaka peninsula could in no way be considered a border dispute, Croatia was ready to continue to explore all possible ways to peacefully resolve existing problems in the area, centered not on Prevlaka but on the Boka Kotorska harbour. He expressed support for the view that access to the Boka Kotorska harbour in the neighbouring Republic of Montenegro should be harmless.¹¹

At the same meeting, Mr. Jovanović stated that the conclusion of the Basic Agreement on Eastern Slavonia, Baranja and Western Sirmium, together with the Peace Agreement for Bosnia and Herzegovina, represented a major step towards the establishment of a lasting and just peace in the territories of the former

⁶ S/1995/1028; see also Supplement 1993-1995 to the Repertoire, Chap. VIII.

⁷ S/1996/23.

⁸ S/1996/24.

⁹ S/1995/951 and S/1996/13.

¹⁰ S/1996/21.

¹¹ S/PV.3619, pp. 2-4.

Yugoslavia. He stated that the Federal Republic of Yugoslavia wanted to emphasize that, under the Basic Agreement, the Security Council had undertaken the responsibility to guarantee peace and stability in Eastern Slavonia in the transitional period, which meant ensuring the equality of all citizens and the protection of their human rights, including those of refugees and other people who chose to return to live in Eastern Slavonia. His delegation also commended the conclusions contained in the report of the Secretary-General and expected the United Nations forces to efficiently and impartially contribute to the full implementation of the Agreement. He stated that his delegation considered that a sufficient number of soldiers needed to be dispatched to Eastern Slavonia in order to enable the United Nations to entirely fulfil all the tasks that lay ahead, and he underlined that if that was not the case the efficient implementation of the Agreement would be at risk. He noted that the transitional authority needed to take control of and enhance all existing public services and administration and that it was imperative that the proportionality of the ethnic structure of the region be maintained in the number of people employed, particularly in top management jobs, the police and the judicial system. Noting that the implementation of the Basic Agreement could not depend solely on the United Nations, but lay with the two sides, he stressed that it was essential that confidence-building measures be urgently established and the full security of the local population ensured. He emphasized that the dispute over the Prevlaka peninsula was one of the most complex and significant issues and was of particular importance for the Federal Republic of Yugoslavia, considering that access to the Montenegrin Bay of Boka Kotorska was fully controlled from the Prevlaka peninsula. He stated that what was at stake was a classic territorial dispute, and that considering the sensitivity of the issue, as well as the strategic relevance of the area, he felt that the further presence of United Nations troops would be the best guarantor, if misunderstandings and new problems were to be avoided. The Federal Republic of Yugoslavia therefore commended the Security Council for having decided to accept the recommendations of the Secretary-General to extend the presence of the United Nations monitors pending a mutually acceptable solution. He stated that his country believed the question could be resolved peacefully, and the Federal Republic of Yugoslavia was ready, on the basis of relevant mutual agreements as well as Security

Council resolutions, to continue to negotiate with Croatia.¹²

Speaking before the vote, the representative of Egypt stressed the need to show the utmost flexibility in implementing the provisions of the draft resolution, particularly when determining the size of the military component of UNTAES, by giving the Transitional Administrator the opportunity to propose an increase in the size of that component when he reported to the Secretary-General in the framework of paragraph 4 of the draft resolution or any subsequent report. He also stressed the need to achieve the greatest possible balance between participation in the UNTAES military component by State members of the North Atlantic Treaty Organization (NATO) on the one hand and non-NATO States on the other.¹³

The representative of China underlined that the main task of the Transitional Administration would be to assist the parties concerned in implementing the Basic Agreement, and that its activities needed to be strictly restricted to what was requested therein. Reiterating China's reservations about elements of the draft resolution, he stated that, when it came to the deployment of United Nations peacekeeping operations, China was never in favour of enforcement action under Chapter VII of the Charter. He noted that, as the two Croatian parties had explicitly pledged their cooperation, the military component of the Transnational Administration would be engaged mainly in monitoring and assisting demilitarization. He stated that, under those circumstances, it was not necessary to invoke Chapter VII in the authorization. Moreover, the use of close air support, as appropriate, in the case of insufficient manpower in peacekeeping operations needed to be limited to self-defence. Peacekeeping forces should not use force indiscriminately, and even less employ it as a means of retaliation. Finally, he stressed that the Transitional Administrator should exercise caution when making such requests.¹⁴

The representative of Indonesia underlined that the draft resolution provided for the Council's reconsideration of the mandate, if at any time it received a report from the Secretary-General that the parties had significantly failed to comply with the

¹² *Ibid.*, pp. 4-6.

¹³ *Ibid.*, pp. 7-8.

¹⁴ *Ibid.*, pp. 8-9.

terms of the Basic Agreement. This was important because it provided the Council with the flexibility to adapt to rapidly changing circumstances but also because it underscored the message to the parties concerned of the need for their strict and scrupulous compliance with the Agreement.¹⁵

The representative of the Russian Federation noted that there were initial signs of an exodus of the Serb population, and that every effort needed to be made to prevent such a turn of events. He maintained that the situation in that part of Croatia needed to be carefully monitored by the Security Council so that the Council could promptly consider any further steps to fully implement the provisions of the current draft resolution if necessary.¹⁶

Speaking before and after the vote, several other speakers took the floor, expressing their support for the draft resolution, emphasizing the importance of the full cooperation of the parties to the conflict with the international community and observance of their commitments under the Basic Agreement; underlining the importance of the authorization for Member States to take all necessary measures, including close air support, in defense of UNTAES and for the close cooperation between IFOR and UNTAES including the provision of military support; and for cooperation between UNTAES and the International Tribunal for the Former Yugoslavia.¹⁷

At the same meeting, the first draft resolution was put to the vote and adopted unanimously as resolution 1037 (1996), which reads:

The Security Council,

Recalling its earlier relevant resolutions, in particular its resolutions 1023 (1995) of 22 November 1995 and 1025 (1995) of 30 November 1995,

¹⁵ *Ibid.*, pp. 9-10.

¹⁶ *Ibid.*, pp. 10-11.

¹⁷ *Ibid.*, before the vote: pp. 6-7 (Italy on behalf of the European Union and associated and aligned countries; Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania and Slovakia; and Norway); pp. 7-8 (Egypt); pp. 9-10 (Indonesia); pp. 11-13 (Chile); p. 13 (Honduras); pp. 13-14 (Republic of Korea); pp. 14-15 (Guinea-Bissau); pp. 15-16 (Botswana); pp. 16-17 (Poland); and pp. 17-18 (Germany). After the vote: pp. 19-20 (France); and pp. 19-20 (United Kingdom).

Reaffirming once again its commitment to the independence, sovereignty and territorial integrity of the Republic of Croatia, and emphasizing in this regard that the territories of Eastern Slavonia, Baranja and Western Sirmium are integral parts of the Republic of Croatia,

Stressing the importance it attaches to full respect for human rights and fundamental freedom for all in those territories,

Expressing its support for the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium between the Government of the Republic of Croatia and the local Serb community, signed on 12 November 1995,

Having considered the report of the Secretary-General of 13 December 1995,

Stressing the importance it places on mutual recognition among the successor States to the former Socialist Federal Republic of Yugoslavia, within their internationally recognized borders,

Desiring to support the parties in their effort to provide for a peaceful settlement of their disputes and thus to contribute to the achievement of peace in the region as a whole,

Stressing the obligation of Member States to meet all their commitments to the United Nations in relation to the United Nations peacekeeping operations in the former Yugoslavia,

Determining that the situation in Croatia continues to constitute a threat to international peace and security,

Determined to ensure the security and freedom of movement of the personnel of the United Nations peacekeeping operation in the Republic of Croatia, and to these ends, acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to establish for an initial period of twelve months a United Nations peacekeeping operation for the region referred to in the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium, with both military and civilian components, under the name "United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium";

2. *Requests* the Secretary-General to appoint, in consultation with the parties and with the Security Council, a Transitional Administrator who will have overall authority over the civilian and military components of the Transitional Administration and who will exercise the authority given to the Transitional Administration in the Basic Agreement;

3. *Decides* that the demilitarization of the region, as provided in the Basic Agreement, shall be completed within thirty days from the date the Secretary-General informs the Council, based on the assessment of the Transitional Administrator, that the military component of the Transitional Administration has been deployed and is ready to undertake its mission;

4. *Requests* the Secretary-General to report monthly to the Council, the first such report to be submitted within one week after the date on which the demilitarization is scheduled to be completed pursuant to paragraph 3 above, regarding the activities of the Transitional Administration and the implementation of the Basic Agreement by the parties;

5. *Strongly urges* the parties to refrain from any unilateral actions which could hinder the handover from the United Nations Confidence Restoration Operation, which is known as UNCRO, to the Transitional Administration or the implementation of the Basic Agreement, and encourages them to continue to adopt confidence-building measures to promote an environment of mutual trust;

6. *Decides* that, no later than fourteen days after the date on which demilitarization is scheduled to be completed pursuant to paragraph 3 above, it will review whether the parties have shown a willingness to implement the Basic Agreement, taking into consideration the actions of the parties and information provided to the Council by the Secretary-General;

7. *Calls upon* the parties to comply strictly with their obligations under the Basic Agreement and to cooperate fully with the Transitional Administration;

8. *Decides* to reconsider the mandate of the Transitional Administration if at any time it receives a report from the Secretary-General that the parties have failed significantly to comply with their obligations under the Basic Agreement;

9. *Requests* the Secretary-General to report to the Council no later than 15 December 1996 on the Transitional Administration and the implementation of the Basic Agreement, and expresses its readiness to review the situation in the light of that report and to take appropriate action;

10. *Decides* that the military component of the Transitional Administration shall consist of a force with an initial deployment of up to 5,000 troops which will have the following mandate:

(a) To supervise and facilitate the demilitarization as undertaken by the parties to the Basic Agreement, according to the schedule and procedures to be established by the Transitional Administration;

(b) To monitor the voluntary and safe return of refugees and displaced persons to their home of origin in cooperation with the United Nations High Commissioner for Refugees, as provided for in the Basic Agreement;

(c) To contribute, by its presence, to the maintenance of peace and security in the region;

(d) Otherwise to assist in the implementation of the Basic Agreement;

11. *Decides also* that, consistent with the objectives and functions set out in paragraphs 12 to 17 of the report of the Secretary-General of 13 December 1995, the civilian component

of the Transitional Administration shall have the following mandate:

(a) To establish a temporary police force, define its structure and size, develop a training programme and oversee its implementation, and monitor the treatment of offenders and the prison system, as quickly as possible, as set out in paragraph 16 (a) of the report of the Secretary-General;

(b) To undertake tasks relating to civil administration as set out in paragraph 16 (b) of the report of the Secretary-General;

(c) To undertake tasks relating to the functioning of public services as set out in paragraph 16 (c) of the report of the Secretary-General;

(d) To facilitate the return of refugees as set out in paragraph 16 (e) of the report of the Secretary-General;

(e) To organize elections, to assist in their conduct, and to certify the results as set out in paragraph 16 (g) of the report of the Secretary-General and in paragraph 12 of the Basic Agreement;

(f) To undertake the other activities described in the report of the Secretary-General, including assistance in the coordination of plans for the development and economic reconstruction of the region, and those described in paragraph 12 below;

12. *Decides further* that the Transitional Administration shall also monitor the compliance of the parties with their commitment, as specified in the Basic Agreement, to respect the highest standards of human rights and fundamental freedoms, promote an atmosphere of confidence among all local residents irrespective of their ethnic origin, monitor and facilitate the demining of territory within the region and maintain an active public affairs element;

13. *Calls upon* the Government of the Republic of Croatia to include the Transitional Administration and the United Nations Liaison Office in Zagreb in the definition of "United Nations Peace Forces and Operations in Croatia" in the present status-of-forces agreement with the United Nations, and requests the Secretary-General to confirm urgently, and no later than the date referred to in paragraph 3 above, whether this has been done;

14. *Decides* that Member States, acting nationally or through regional organizations or arrangements, may, at the request of the Transitional Administration and on the basis of procedures communicated to the United Nations, take all necessary measures, including close air support, in defence of the Transitional Administration and, as appropriate, to assist in the withdrawal of the Transitional Administration;

15. *Requests* that the Transitional Administration and the multinational Implementation Force authorized by the Council in resolution 1031 (1995) of 15 December 1995 cooperate, as appropriate, with each other as well as with the High Representative;

16. *Calls upon* the parties to the Basic Agreement to cooperate with all agencies and organizations assisting in the activities related to the implementation of the Basic Agreement, consistent with the mandate of the Transitional Administration;

17. *Requests* all international organizations and agencies active in the region to coordinate closely with the Transitional Administration;

18. *Calls upon* States and international financial institutions to support and cooperate with efforts to promote the development and economic reconstruction of the region;

19. *Underlines* the relationship between the fulfilment by the parties of their commitments in the Basic Agreement and the readiness of the international community to commit financial resources for reconstruction and development;

20. *Reaffirms* that all States shall cooperate fully with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and its organs, in accordance with the provisions of resolution 827 (1993) of 25 May 1993 and the statute of the International Tribunal, and shall comply with requests for assistance or orders issued by a Trial Chamber under article 29 of the statute;

21. *Stresses* that the Transitional Administration shall cooperate with the International Tribunal in the performance of its mandate, including with regard to the protection of the sites identified by the Prosecutor and persons conducting investigations for the International Tribunal;

22. *Requests* the Secretary-General to submit for consideration by the Council at the earliest possible date a report on the possibilities for contributions from the host country in offsetting the costs of the operation;

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

At the same meeting, the second draft resolution was put to the vote and adopted unanimously as resolution 1038 (1996).

The Security Council,

Recalling its earlier relevant resolutions, in particular resolutions 779 (1992) of 6 October 1992, 981 (1995) of 31 March 1995 and 1025 (1995) of 30 November 1995,

Having considered the report of the Secretary-General of 13 December 1995,

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

Noting the Joint Declaration signed at Geneva on 30 September 1992 by the Presidents of the Republic of Croatia and the Federal Republic of Yugoslavia which reaffirmed their agreement concerning the demilitarization of the Prevlaka peninsula, emphasizing the contribution that this

demilitarization has made to the decrease of tension in the region, and stressing the need for the Republic of Croatia and the Federal Republic of Yugoslavia to agree on a settlement which would peacefully resolve their differences,

Stressing the importance it places on mutual recognition among the successor States to the former Socialist Federal Republic of Yugoslavia, within their internationally recognized borders,

Determining that the situation in Croatia continues to constitute a threat to international peace and security,

1. *Authorizes* the United Nations military observers to continue monitoring the demilitarization of the Prevlaka peninsula in accordance with resolutions 779 (1992) and 981 (1995) and paragraphs 19 and 20 of the report of the Secretary-General of 13 December 1995 for a period of three months, to be extended for an additional period of three months upon a report by the Secretary-General that such extension would continue to contribute to the decrease of tension there;

2. *Requests* the Secretary-General to submit to the Council by 15 March 1996, for its early consideration, a report on the situation in the Prevlaka peninsula as well as on progress made by the Republic of Croatia and the Federal Republic of Yugoslavia towards a settlement which would peacefully resolve their differences, and on the possibility that the existing mandate may be extended or that another international organization may assume the task of monitoring the demilitarization of the Prevlaka peninsula;

3. *Requests* the United Nations military observers and the multinational Implementation Force authorized by the Council in resolution 1031 (1995) of 15 December 1995 to cooperate fully with each other;

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

Speaking after the vote, the representative of the United States stated that, as requested by the parties, the mandate of UNTAES ensured that it would be able to "govern" the region in an authoritative fashion. She stated that, in agreeing to undertake this complex responsibility, the international community would demand that both the Serb and Croat sides fully implement the 12 November Agreement. The Transitional Administration would not be expected to implement the Agreement by force, nor would it be expected to defend the region from an armed incursion. The international community would not tolerate actions that endangered the lives of the peacekeepers that were being sent. She emphasized that the meaning of paragraph 14 of the resolution was clear, namely that UNTAES would have the right to ask for assistance if its personnel were in danger. Further, North Atlantic Treaty Organization (NATO) had already decided to provide close air support if requested by UNTAES.

Regarding the resolution that authorized United Nations military observers to continue to monitor the agreement on the demilitarization of the Prevlaka peninsula and surrounding territory, she stated that, while her Government had no doubt that the Prevlaka peninsula was sovereign Croatian territory, the United States called on both sides to continue to comply with their agreement to demilitarize the strategically important area. She also noted that the resolution called on the Secretary-General to submit, by 15 March 1996, a report which would comment on the possibility of another international organization assuming the task of monitoring the Prevlaka peninsula.¹⁸

**Decision of 31 January 1996 (3626th meeting):
resolution 1043 (1996)**

By a letter dated 26 January 1996 addressed to the President of the Security Council, the Secretary-General referred to Security Council resolution 1037 (1996) of 15 January 1996, by which the Council established the United Nations Transitional Administration in Eastern Slavonia, Baranja and Western Sirmium, and to his report of 13 December 1995.¹⁹ He recalled that in his report he had recommended that a force of 9,300 combat troops would be necessary to ensure security in the region and to supervise demilitarization through a visible and credible presence. He noted that, given that number of troops, the concept had not required the deployment of United Nations military observers. However, in its resolution 1037 (1996), the Security Council decided that the military component of UNTAES would consist of a force with an initial deployment of up to 5,000 troops. In view of the more limited presence of the smaller force, the Transitional Administrator and his military staff had identified the need for 100 United Nations military observers for a period of six months in order to enable UNTAES to supervise and facilitate the demilitarization provided for in the Basic Agreement. He expressed his agreement with this recommendation and therefore sought the authorization of the Security Council for the deployment of 100 United Nations military observers for six months.

At its 3626th meeting, held on 31 January 1996 in accordance with the understanding reached in its prior

consultations, the Security Council included the letter in its agenda. Following the adoption of the agenda, the President (United Kingdom), with the consent of the Council, invited the representative of Croatia, at his request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations. The draft resolution was put to the vote and adopted unanimously as resolution 1043 (1996), which reads:

The Security Council,

Recalling its resolution 1037 (1996) of 15 January 1996 establishing the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium,

Having considered the letter dated 26 January 1996 from the Secretary-General to the President of the Security Council,

1. *Decides* to authorize, as part of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium, and in accordance with the provisions of resolution 1037 (1996), the deployment of one hundred military observers for a period of six months;

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

**Decision of 23 February 1996 (3633rd meeting):
statement by the President**

On 14 February 1996, pursuant to Security Council resolution 1019 (1995), the Secretary-General submitted to the Council a report on the progress of measures taken by the Government of Croatia to implement resolution 1019 (1995), which demanded that the rights of the local Serb population in the former Sectors be respected and that an end be put to all violations of international humanitarian law and human rights.²⁰ In his report, the Secretary-General observed that the report by the Government of 28 January 1996 constituted a welcome statement of intended policy and operational initiatives to improve Croatia's human rights record. However, it was clear that international concern and attention in that area would not dissipate until there was evidence that the various policy initiatives had been implemented. He stated that it was gratifying that the incidence of human rights violations noted in the past two months in the former Sectors in Croatia had been greatly reduced from the levels recorded in the months immediately

¹⁸ *Ibid.*, pp. 18-19.

¹⁹ S/1996/66 and Add.1.

²⁰ S/1996/109.

following last summer's military operations. The potential for recurrence remained substantial and, in that regard, the continuing absence of a strong and responsible local police presence remained a cause for concern. He also underlined that it would be important to continue to monitor the judicial process to ensure that the widespread criminality documented by international observers would be addressed. In addition, continued vigilance in respect of the humanitarian needs of the elderly Croatian Serbs who remained in the former Sectors was essential. Finally, little progress had been made on the return of Croatian Serb refugees to Croatia, and the Government had indicated that this would be addressed principally in the course of initiatives to be taken for the normalization of relations between Croatia and the Federal Republic of Yugoslavia. The Secretary-General also expressed hope that Serbs alleged to have taken up arms in support of the "Republic of Serb Krajina" would be granted fair judicial proceedings and that due consideration would be given to granting them amnesty, in accordance with the principles of international law. With the termination of the United Nations Confidence Restoration Operation in Croatia mandate on 15 January 1996, the number of international personnel in Croatia (outside the former Sector East) with a mandate to monitor human rights had been drastically reduced. Therefore, he stated that the ability of the United Nations to assess further developments would accordingly be very limited.

At its 3633rd meeting, held on 23 February 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (United States), with the consent of the Council, invited the representative of Croatia, at his request, to participate in the discussion without the right to vote.

At the same meeting, the President made the following statement on behalf of the Council:²¹

The Security Council has considered the further report of the Secretary-General of 14 February 1996 submitted pursuant to its resolution 1019 (1995) on Croatia.

The Council recalls the statement by its President of 8 January 1996. The Council acknowledges that the incidence of human rights violations has been greatly reduced. However, it

expresses concern that isolated incidents of killings and other violations of human rights have been reported. The Council also acknowledges the significant progress made by the Croatian Government in alleviating the humanitarian plight of the mostly elderly Serb population who remain in the former sectors in the Republic of Croatia. The Council looks to the Croatian Government to ensure the security and well-being of that population and to ensure the provision of basic humanitarian assistance, including access to medical facilities, pension allowances and property. The Council also looks to the Croatian Government to pursue vigorously prosecutions against those suspected of past violations of international humanitarian law and human rights against the local Serb minority.

The Council calls upon the Croatian Government to give due consideration to granting amnesty to local Serbs remaining in detention on charges arising from their alleged participation in the conflict.

The Council reiterates that all States must cooperate fully with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and its organs, established pursuant to its resolution 827 (1993). It notes that Croatian legislation providing for full cooperation with the International Tribunal is reported to be imminent. The Council urges the Government of the Republic of Croatia to uphold its obligations with respect to the International Tribunal unreservedly and without delay.

The Council remains deeply concerned at the situation of those refugees from the Republic of Croatia who wish to return. It condemns the fact that effective measures have so far not been taken in that respect. It calls upon the Croatian Government to ensure the expeditious processing of all requests from refugees. It underlines the fact that the exercise by members of the local Serb population of their rights, including their right to remain, leave or return to their homes in safety and dignity and reclaim possession of their property, cannot be made conditional upon an agreement on the normalization of relations between the Republic of Croatia and the Federal Republic of Yugoslavia. The Council demands that the Croatian Government take measures forthwith to ensure that those concerned may fully exercise these rights. The Council also calls upon the Croatian Government to rescind its earlier decision to suspend articles of the constitutional law affecting the rights of national minorities and to proceed with the establishment of a provisional human rights court. It reminds the Croatian Government once again that the promotion of strict respect for the rights of persons belonging to the Serb minority is relevant to the successful implementation of the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium, signed on 12 November 1995.

The Council welcomes and supports the Croatian Government's agreement to the establishment by the Organization for Security and Cooperation in Europe of a long-term mission with a view to monitoring respect for human rights throughout the Republic of Croatia. The Council pays tribute to

²¹ S/PRST/1996/8.

the valuable work carried out by the United Nations Confidence Restoration Organization, which is known as UNCRO, and the European Community Monitoring Mission in this field over the past year.

The Council requests the Secretary-General to keep it regularly informed and to report in any case no later than 20 June 1996, drawing *inter alia* on information available from other relevant United Nations bodies, including the Office of the United Nations High Commissioner for Refugees, and the European Community Monitoring Mission, on the progress of measures undertaken by the Government of the Republic of Croatia in the light of the present statement.

The Council will remain seized of the matter.

**Decision of 22 May 1996 (3666th meeting):
statement by the President**

By a letter dated 20 May 1996 addressed to the President of the Security Council,²² the Secretary-General informed the Council, with reference to operative paragraph 3 of resolution 1037 (1996), that the Transitional Administrator had assessed that the military component of the Transitional Administration had been deployed and was ready to undertake its mission of demilitarization of the region of Eastern Slavonia, Baranja and Western Sirmium. As other arrangements to support the process of demilitarization were also in place, it was the intention of the Transitional Administrator to commence demilitarization of the region at 1200 hours, local time, on Tuesday, 21 May 1996.

At its 3666th meeting, held on 22 May 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the letter in its agenda. Following the adoption of the agenda, the President (China), with the consent of the Council, invited the representative of Croatia, at his request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a letter dated 20 May 1996 addressed to the President of the Security Council from the representative of Croatia,²³ which informed him that the Croatian Sabor (Parliament) had adopted a law that granted amnesty to all persons who committed crimes between 17 August 1990 and 1 June 1996 in the last remaining occupied Croatian territory, presently under the temporary administration of UNTAES, although this excluded

persons who were suspected of violations of international humanitarian law and the laws of war.

At the same meeting, the President made the following statement on behalf of the Council:²⁴

The Security Council has considered the letter dated 20 May 1996 from the Secretary-General to its President in which he informed the Council of the assessment of the Transitional Administrator that the military component of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium had been deployed and was ready to undertake its mission of demilitarization of the region. That mission of demilitarization began on 21 May 1996.

The Council calls upon the parties to comply strictly with their obligations under the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium, signed on 12 November 1995, and to cooperate fully with the Transitional Administration. It stresses that they must refrain from any unilateral action which could hinder the implementation of the Basic Agreement, including the process of demilitarization.

The Council reminds the parties that the successful implementation of the Basic Agreement requires the respect by them of the highest level of internationally recognized human rights and fundamental freedoms. It calls upon the parties to continue to cooperate with the Transitional Administration in adopting confidence-building measures to promote an environment of mutual trust.

The Council calls upon the Government of the Republic of Croatia to grant amnesty to all persons who, either voluntarily or by coercion, served in the civil administration, military or police forces of the local Serb authorities in the former United Nations Protected Areas, with the exception of those who committed war crimes as defined in international law. It notes that the law on amnesty recently passed in the Republic of Croatia is a step in this direction. The Council calls upon the Government of the Republic of Croatia to make this amnesty comprehensive as soon as possible and stresses the importance such a measure would have for maintaining public confidence and stability during the demilitarization and demobilization process.

The Council underlines the key importance of attention to the need for economic reconstruction and rehabilitation of the region of Eastern Slavonia, Baranja and Western Sirmium and encourages Member States to contribute to this end.

The Council will remain seized of the matter and requests the Secretary-General to keep it regularly informed of developments in the situation.

²⁴ S/PRST/1996/26.

²² S/1996/363.

²³ S/1996/357.

**Decision of 3 July 1996 (3677th meeting):
statement by the President**

On 21 June 1996, pursuant to Security Council resolution 1019 (1995), the Secretary-General submitted to the Council a further report on the situation of human rights in Croatia.²⁵ The Secretary-General stated that it was evident that measures taken by the Government of Croatia to provide security to residents of the former Sectors in Croatia had been insufficient. The prevailing lawlessness clearly demanded that additional steps be taken and that the professional police presence be strengthened. He underlined that the Government's failure thus far to provide reasonable security in the former Sectors had not created conditions likely to encourage the return of Croatian Serbs. Concern was also warranted by the lack of progress in the investigation and prosecution of numerous crimes committed against the local Serb population in the previous summer's military operations. He also noted that, while Croatia had embarked on a major programme to return displaced Croats and Croat refugees from elsewhere to the former Sectors West, North and South, there was no determined effort to facilitate the return of Croatian Serb refugees and the rapid repopulation was likely to create major obstacles for their return. The continued failure by the Government to enact a broad amnesty for former soldiers of the so-called "Republic of Serb Krajina" also mitigated against the large-scale return of Croatian Serbs. He also noted that, while the Government should be credited for its generally cooperative attitude with international human rights mechanisms and various initiatives for the protection of minority rights, such protection could not be linked with the political negotiations with the Federal Republic of Yugoslavia, as the protection arose from obligations under various legal instruments. He summed up by saying that there was an absence of concrete initiatives to encourage the return of Croatian Serb refugees, which suggested continuing hostility to the presence of a significant Serb population in the territory of Croatia.

At its 3677th meeting, held on 3 July 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the report in its agenda. Following the adoption of the agenda, the President (France), with the consent of the Council,

²⁵ S/1996/456.

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

At the same meeting, the President made the following statement on behalf of the Council:²⁶

The Security Council has considered the further report of the Secretary-General of 21 June 1996 submitted pursuant to its resolution 1019 (1995) on Croatia.

The Council is deeply concerned at the failure by the Croatian Government to take sufficient measures to safeguard the rights of the local Serb population and to ensure their safety and well-being. The Council is also deeply concerned at the Croatian Government's failure to promote conditions, including satisfactory procedures, facilitating the return of all Croatian Serbs who wish to do so. The Council strongly deplores such failure to act.

The Council notes that the Croatian Government has begun to cooperate with international human rights mechanisms and that it has considered various initiatives for the protection of minority rights. Nevertheless, the Council underlines the fact that the Croatian Government must undertake determined and sustained efforts to ensure respect for and protection of the rights of Croatian Serbs and to provide for their safeguarding in the legal and constitutional framework of the Republic of Croatia, including by the reactivation of the relevant articles of its constitutional law. The Council reminds the Croatian Government that its obligation to promote respect for and protection of such rights cannot be made conditional upon other factors, including upon political negotiations with the Federal Republic of Yugoslavia.

The Council expects the Croatian Government to take steps forthwith to comply with the demands contained in its resolution 1019 (1995) and in its presidential statements of 8 January, 23 February and 22 May 1996.

The Council reiterates that all States must cooperate fully with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and its organs, established pursuant to its resolution 827 (1993). It notes the cooperation by the Croatian Government with the International Tribunal to date and reminds the Croatian Government of its obligation to execute arrest warrants in respect of any person in its territory indicted by the Tribunal. The Council calls upon the Croatian Government, with due respect to the sovereignty, territorial integrity and political independence of Bosnia and Herzegovina, to use its influence with the Bosnian Croat leadership to ensure their cooperation with the International Tribunal.

The Council will continue to follow this issue closely. It requests the Secretary-General to keep it regularly informed on measures undertaken by the Croatian Government in the light of the present statement, and to report in any case no later than 1 September 1996.

²⁶ S/PRST/1996/29.

**Decision of 3 July 1996 (3678th meeting):
statement by the President**

On 26 June 1996, pursuant to paragraph 4 of Security Council resolution 1037 (1996), the Secretary-General submitted to the Council a report on the activities of the Transitional Administration and the implementation of the Basic Agreement by the parties.²⁷ He stated that UNTAES had achieved significant progress in the implementation of its mandate and had contributed to the gradual normalization of relations between Croatia and the Federal Republic of Yugoslavia. Moreover, the demilitarization of the region had been completed with relative ease, and the parties had displayed a willingness to abide by the Basic Agreement and to recognize the desire of the international community to help them to implement it. Although the Transitional Administration would endeavour to build confidence by maintaining stability and security in the region in the post-demilitarization period, the mandate of the military observers who were serving with UNTAES in accordance with Security Council resolution 1043 (1996) would expire on 30 July 1996. The post-demilitarization period was a critical time for the Transitional Administration, with the region still tense and subject to the possibility of infiltration. The Force Commander felt strongly that a continued presence of United Nations military observers would enhance the ability of UNTAES to monitor the situation. The Secretary-General concurred with this view and thus recommended that the mandate of the military observers be extended to 15 January 1997. He noted that many challenges awaited UNTAES in the next phase, with the return of displaced persons among the most daunting. Another challenge was to define mechanisms and assurances that would protect the cultural and social identities as well as the heritage of national minorities.

At its 3678th meeting, held on 3 July 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the report in its agenda. Following the adoption of the agenda, the President (France), with the consent of the Council, invited the representative of Croatia, at his request, to participate in the discussion without the right to vote. He then drew the attention of the Council to a letter

²⁷ S/1996/472 and Add.1.

dated 28 June 1996 from the representative of Croatia addressed to the Secretary-General,²⁸ stating that Croatia had received the report favourably and providing several clarifications to points that had been raised.

At the same meeting, the President made the following statement on behalf of the Council:²⁹

The Security Council, in accordance with paragraph 6 of resolution 1037 (1996), has considered the report of the Secretary-General of 26 June 1996 on the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium.

The Council notes that the implementation of the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium, signed on 12 November 1995, is proceeding according to the timetable established by the Agreement. In particular it notes with appreciation that the demilitarization proceeded smoothly and was completed on 20 June 1996. It expresses its satisfaction at the cooperation that both parties have shown in this respect. It calls upon both sides to refrain from any action that might raise tension and to continue to cooperate closely with the Transitional Administration on all aspects of the Basic Agreement to maintain peace and security in the region. It expresses its readiness to consider favourably the extension of the mandate of the United Nations military observers in the Transitional Administration as recommended in the report.

The Council expresses its satisfaction with the work already achieved by the Transitional Administration, in particular through its operational joint implementation committees, for the re-establishment of normal conditions of life for all the inhabitants of the region. The Council welcomes the efforts now in train to begin the return of displaced persons and refugees to their homes in the region. It notes that it is equally important that persons who fled from their homes in Western Slavonia and elsewhere in Croatia, in particular in the Krajina, should be permitted to return to their homes of origin. The Council calls upon both parties to cooperate fully with the Transitional Administration in that respect.

The Council recalls the statement by its President of 22 May 1996. The Council regrets that the Government of the Republic of Croatia has not yet taken steps to adopt a comprehensive amnesty law concerning all persons who, either voluntarily or by coercion, served in the civil administration, military or police forces of the local Serb authorities in the former United Nations Protected Areas, with the exception of those who committed war crimes as defined in international law. The Council urges that this action be taken as soon as possible

²⁸ S/1996/500.

²⁹ S/PRST/1996/30.

and calls upon the Croatian Government to cooperate with the Transitional Administration to that end.

The Council expresses its concern at the worsening economic situation in the region, particularly since the closure in April of the Djeletovci oilfields, which constitute the region's most important economic resource, and at the subsequent lack of revenue available to the local administration to meet salaries and other operating costs of the region. The Council urges the Government of the Republic of Croatia to cooperate closely with the Transitional Administration to identify and provide funding for the local administration and public services. It also underlines the importance of economic development in stabilizing the region.

The Council expresses its support for the efforts of the Transitional Administration to establish and train a transitional police force which will have the primary responsibility for the maintenance of law and order, operating under the authority of the Transitional Administrator and monitored by the United Nations civilian police. The Council also supports the efforts of the Transitional Administration and the United Nations High Commissioner for Refugees to facilitate mine clearing for humanitarian purposes. It calls upon States and others concerned urgently to contribute in support of such activities.

The Council commends the Transitional Administrator and all the personnel of the Transitional Administration for the impressive results they have achieved so far and expresses its full support for them.

The Council will remain seized of the matter.

**Decision of 15 July 1996 (3681st meeting):
resolution 1066 (1996)**

On 27 June 1996, pursuant to Security Council resolution 1038 (1996), the Secretary-General submitted to the Council a report on the situation in the Prevlaka peninsula before the expiry of the existing mandate.³⁰ In his report, the Secretary-General stated that there had been several positive developments including the withdrawal of Croatian military personnel, the partial removal of mines in the United Nations-controlled zone on the Croatian side of the border, the withdrawal of heavy weapons and the easing of movement restrictions. He expressed hope that the parties, having taken the steps towards normalization of the situation in Prevlaka, would adopt the practical options proposed by the United Nations Mission of Observers in Prevlaka (UNMOP) to reduce tension further and to promote an atmosphere conducive to the restoration of the area. He stated that

³⁰ S/1996/502 and Add.1.

the Mission had made, and continued to make, an important contribution to stability in the Prevlaka area, promoting a better climate for bilateral negotiations between Croatia and the Federal Republic of Yugoslavia. He expressed his belief that, if UNMOP were to be removed at this stage, one of the parties could seek to fill the vacuum created by its departure and the ensuing military tensions could prejudice the process of political negotiations. Moreover, in discussions with his Chief Military Observer, both Governments had requested the continuation of the UNMOP mandate and, given that no other international or regional organization had expressed a willingness to undertake full-time monitoring of the area, he recommended that the mandate of the Mission be extended for a period of three months, until 15 October 1996, pending the outcome of the negotiations between the parties.

At its 3681st meeting, held on 15 July 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (France), with the consent of the Council, invited the representative of Croatia, at his request, to participate in the discussion, without the right to vote.

At the same meeting, the President drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.³¹ The draft resolution was then put to the vote and adopted unanimously as resolution 1066 (1996), which reads:

The Security Council,

Recalling its earlier relevant resolutions, in particular resolutions 779 (1992) of 6 October 1992, 981 (1995) of 31 March 1995, 1025 (1995) of 30 November 1995 and 1038 (1996) of 15 January 1996,

Having considered the report of the Secretary-General of 27 June 1996,

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

Noting the Joint Declaration signed at Geneva on 30 September 1992 by the Presidents of the Republic of Croatia and the Federal Republic of Yugoslavia which reaffirmed their agreement concerning the demilitarization of the Prevlaka peninsula, emphasizing the contribution that this

³¹ S/1996/545.

demilitarization has made to the decrease of tension in the region, and stressing the need for the Republic of Croatia and the Federal Republic of Yugoslavia to agree on a settlement which would peacefully resolve their differences,

Stressing the importance it places on mutual recognition among the successor States to the former Socialist Federal Republic of Yugoslavia, within their internationally recognized borders,

Determining that the situation in Croatia continues to constitute a threat to international peace and security,

1. *Authorizes* the United Nations military observers to continue monitoring the demilitarization of the Prevlaka peninsula, in accordance with resolutions 779 (1992) and 981 (1995) and paragraphs 19 and 20 of the report of the Secretary-General of 13 December 1995, until 15 January 1997;

2. *Urges* the parties to abide by their mutual commitments and to continue their negotiations with a view to normalizing fully their bilateral relations, which are critical for the establishment of peace and stability throughout the region;

3. *Requests* the Secretary-General to submit to the Council by 5 January 1997, for its early consideration, a report on the situation in the Prevlaka peninsula as well as on progress made by the Republic of Croatia and the Federal Republic of Yugoslavia towards a settlement which would peacefully resolve their differences;

4. *Encourages* the parties to adopt the practical options proposed by the United Nations military observers to reduce tension, as referred to in the report of the Secretary-General of 27 June 1996;

5. *Requests* the United Nations military observers and the multinational Implementation Force authorized by the Council in resolution 1031 (1995) of 15 December 1995 to continue to cooperate fully with each other;

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

**Decision of 30 July 1996 (3686th meeting):
resolution 1069 (1996)**

At its 3686th meeting, held on 30 July 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General on UNTAES of 26 June 1996 and its addendum in its agenda.³² Following the adoption of the agenda, the President (France), with the consent of the Council, invited the representative of Croatia, at his request, to participate in the discussion without the right to vote.

³² S/1996/472 and Add.1. See also decision of 3 July 1996.

At the same meeting, the President drew the attention of the Council to a draft resolution prepared in the course of the Council's consultations.³³ The draft resolution was then put to the vote and adopted unanimously as resolution 1069 (1996), which reads:

The Security Council,

Recalling its resolution 1037 (1996) of 15 January 1996 establishing the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium and its resolution 1043 (1996) of 31 January 1996 authorizing the deployment of military observers as part of the Transitional Administration,

Having considered the report of the Secretary-General of 26 June 1996,

1. *Decides* to authorize, as part of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium and in accordance with the provisions of resolution 1037 (1996), the deployment of one hundred military observers for an additional period of six months, ending on 15 January 1997;

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

**Decision of 15 August 1996 (3688th meeting):
statement by the President**

On 5 August 1996, pursuant to paragraph 4 of resolution 1037 (1996), the Secretary-General submitted a report to the Security Council on the Transitional Administration.³⁴ In his report, he observed that UNTAES had continued to make vigorous efforts to achieve the full and peaceful reintegration of the region into Croatia. The most immediate concern was to obtain funding for the local administration of the region until sustained Croatian financing became available, possibly for a period of up to six months. He stated that it was regrettable that the Government of Croatia had not provided such funding, and he stressed that, unless the present negotiations with the Government of Croatia reached a satisfactory conclusion, he would have to consider whether to report to the Council that one of the parties had significantly failed to comply with its obligations under the Basic Agreement. He also underlined that negative effects on Serb confidence and UNTAES operations had been caused by the uncertainty regarding the duration of the UNTAES mission. While

³³ S/1996/601.

³⁴ S/1996/622.

UNTAES was making encouraging progress in regard to the implementation of all aspects of its mandate, it did not appear realistic to expect that the tasks would be completed by the expiration of the current UNTAES mandate. Therefore, he recommended that, considering the many and complex tasks UNTAES had been mandated to perform and in order to provide greater clarity and guidance to the mission, the Council consider the possibility of indicating that it intended to extend the mandate of UNTAES by up to a further 12 months to enable it to complete its tasks.

By a letter dated 2 August 1996 addressed to the President of the Security Council,³⁵ the Secretary-General communicated his concerns over the difficulties faced by UNTAES in securing funding for the operations of existing local administrative structures in its area of operations.

By a note dated 12 August 1996, the Secretary-General transmitted the text of the Agreement on Interim Co-financing of Public Services on the Territory Administered by UNTAES, concluded on 8 August 1996 by the Government of Croatia and UNTAES.³⁶

At its 3688th meeting, held on 15 August 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the letter, the note and the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Germany), with the consent of the Council, invited the representative of Croatia, at his request, to participate in the discussion without the right to vote.

At the same meeting, the President made the following statement on behalf of the Council:³⁷

The Security Council has considered the report of the Secretary-General of 5 August 1996 on the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium, and the letter dated 2 August 1996 from the Secretary-General concerning the funding of the existing local administrative structures in the area of operations of the Transitional Administration.

The Council welcomes the progress made by the Transitional Administration in implementing the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium, signed on 12 November 1995, and in

promoting the full and peaceful reintegration of the region of Eastern Slavonia into the Republic of Croatia. It stresses that the restoration and maintenance of the multi-ethnic character of Eastern Slavonia are important to international efforts to maintain peace and stability in the region of the former Yugoslavia as a whole. It reminds both parties of their obligation to cooperate with the Transitional Administration. It underlines the importance of economic rehabilitation of the region, the establishment of a transitional police force and the return of displaced persons and refugees to their homes in the region, as well as the importance of the promotion by the Government of Croatia of the return of displaced persons and refugees to their homes of origin elsewhere in the Republic of Croatia. It further underlines the importance of the holding of elections in accordance with the Basic Agreement, once the necessary conditions have been established.

The Council reminds the Government of Croatia of its responsibility to cooperate with the Transitional Administration and to create conditions conducive to maintaining stability in the region. It calls upon the Government of Croatia to take the necessary action without further delay.

The Council recalls the statements by its President of 22 May and 3 July 1996 and again urges the Government of Croatia to adopt a comprehensive amnesty law concerning all persons who, voluntarily or by coercion, served in the civil administration, military or police forces of the local Serb authorities in the former United Nations Protected Areas, with the exception of those who committed war crimes as defined in international law. The Council notes with concern that the amnesty law and the action subsequently taken by the Government of Croatia, as described by the Secretary-General in his report of 5 August, have been insufficient to create confidence among the local Serb population in Eastern Slavonia. The Council notes the general agreement reached by President Tudjman and President Milosevic in Athens on 7 August 1996 that a general amnesty is an indispensable condition for the safe return of refugees and displaced persons. It expects this agreement to be followed up by corresponding concrete measures.

The Council notes with appreciation the agreement reached by the Government of Croatia and the Transitional Administration on issues relating to the funding of public services on the territory administered by the Transitional Administration. It notes, however, that this funding is not sufficient to cover all the costs of such services and it expects further funding to be made available by the Government of Croatia urgently and without conditions. It stresses the importance of ensuring a functioning civil administration so as to maintain stability in the region and help to ensure the fulfilment of the mission objectives of the Transitional Administration. The Council, having regard to its resolution 1037 (1996), also reminds the Government of Croatia of the need to contribute towards the costs of the operation of the Transitional Administration.

³⁵ S/1996/632.

³⁶ S/1996/648.

³⁷ S/PRST/1996/35.

The Council recalls that the Basic Agreement provides for a transitional period of twelve months which may be extended at most to another period of the same duration if so requested by one of the parties. It stresses the importance it attaches to the Transitional Administration being able to complete its mandated tasks, including the organization of elections as provided for in the Basic Agreement, promptly and in full. These tasks are, as the Secretary-General notes, the building blocks for the difficult process of reconciliation. To that end, the Council affirms its readiness to consider, at an appropriate time, extending the duration of the mandate of the Transitional Administration, on the basis of the Basic Agreement, its resolution 1037 (1996) and a recommendation from the Secretary-General.

The Council expresses its appreciation to the Transitional Administrator and his staff and reaffirms its full support for the efforts of the Transitional Administrator.

The Council will remain seized of the matter.

Decision of 20 September 1996 (3697th meeting): statement by the President

On 23 August 1996, pursuant to Security Council resolution 1019 (1995), the Secretary-General submitted to the Council a report on the situation of human rights in Croatia.³⁸ The Secretary-General stated that a prevailing climate of lawlessness persisting in the former Sectors North, South and West, particularly around Knin, was causing great fear among local residents. It was evident that the Government of Croatia still had not taken adequate measures to provide an effective police presence in the region. Moreover, the situation had been aggravated by several bombing attacks and by harassment of non-governmental human rights organizations. Concerning the investigation and prosecution of past violations of international humanitarian law and human rights against the local Serb population, much progress remained to be made by the Croatian authorities. The International Tribunal for the Former Yugoslavia indicated that it was receiving satisfactory cooperation from Croatian police authorities, but was concerned that the Croatian authorities had not executed arrest warrants transmitted to them. While the process of the return of Croatian Serbs was moving slowly, tens of thousands of Croats, both displaced persons and refugees, were settling in the region. He noted that the manner in which the Government of Croatia had been approaching this question was having a profound impact on the region's ethnic balance. In addition, the

³⁸ S/1996/691.

question of property required particular attention from the Croatian authorities who also needed to take other measures to facilitate the return of Croatian Serbs, including strong measures against widespread employment discrimination on the basis of ethnic origin. He also noted that the reluctance of the Government of Croatia to enact a broad amnesty for former soldiers of the so-called "Republic of Serb Krajina", and its failure to re-enact or provide a meaningful replacement for suspended constitutional provisions dealing with minority rights in Croatia, were continuing areas of concern. He concluded by saying that, while positive steps had been taken, the overall approach of the Government of Croatia to the rights of Croatian Serbs in Croatia had so far failed to encourage confidence within the Serb population.

At its 3697th meeting, held on 20 September 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Guinea-Bissau), with the consent of the Council, invited the representative of Croatia, at his request, to participate in the discussion without the right to vote.

The President then drew the attention of the Council to a letter dated 16 September 1996 from the President of the International Tribunal for the Former Yugoslavia addressed to the President of the Security Council.³⁹ In the letter, the President of the Tribunal informed the Council of the "refusal" by Croatia, a State Member of the United Nations, and by Bosnia and Herzegovina, to cooperate with the Tribunal and to comply with its orders to arrest Ivica Rajić, as required by article 29 of the Statute of the Tribunal. This was not an isolated incident, but formed part of a general pattern of failure in respect of matters concerning the Tribunal. Moreover, he noted that, by refusing to cooperate in the execution of the arrest warrant against Ivica Rajić and others, Croatia had failed to comply with an enforcement measure under Chapter VII of the Charter of the United Nations. In addition, both Croatia and Bosnia and Herzegovina had not lived up to the commitments undertaken by signing the Dayton Peace Agreement.

³⁹ S/1996/763.

At the same meeting, the President made the following statement on behalf of the Council:⁴⁰

The Security Council has considered the report of the Secretary-General of 23 August 1996 submitted pursuant to Council resolution 1019 (1995) on Croatia.

The Council notes progress in the humanitarian and human rights situation in some areas. The Council regrets, however, that many of its previous requests have not been complied with by the Government of Croatia. Numerous incidents threatening the population in the formerly Serb-controlled areas are a continuing source of concern and could jeopardize the prospects for peaceful and substantial reintegration of refugees and displaced persons in Croatia.

The Council commends the agreement between the Republic of Croatia and the Federal Republic of Yugoslavia, signed in Belgrade on 23 August 1996, and expects the commitments contained therein to be implemented.

The Council recognizes steps taken by the Government of Croatia to reintegrate refugees and displaced persons into Croatia but urges the Government to expand its programme to accelerate the return of all such persons without preconditions or delay. The Council urges the Government of Croatia also to expand its humanitarian relief efforts, especially as winter approaches.

The Council, in the statement by its President of 3 July 1996, highlighted the need for the adoption of a comprehensive amnesty law, in cooperation with the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium. Since the report of the Secretary-General of 23 August 1996 which found no substantial progress in this regard since passage of the Croatian Government's amnesty law of 17 May 1996, the Republic of Croatia on 20 September 1996 enacted a new amnesty law. The Council welcomes this development as a step towards addressing the concerns outlined by the statement by its President on 3 July 1996 and emphasizes that such a law must be implemented without delay and in a fair and equitable manner, with full respect for the rights of the individual. The Council will follow such implementation closely. The Council notes that a comprehensive new amnesty law and its equitable application are also vital elements in preparing for elections in Eastern Slavonia and important factors in the successful completion of the mandate of the Transitional Administration.

Despite some positive developments, the Council is deeply concerned that residents of the Krajina and Western Slavonia continue to suffer from inadequate security, including the danger of theft or assault at any time. The Council also notes with concern attacks and threats against those engaged in humanitarian relief activities and human-rights monitoring in the area. In particular, it deplores the reported involvement of

Croatian uniformed military and police officials in acts of looting and harassment.

The Council urges the Croatian authorities to act immediately to improve the security situation in those regions. It urges that Croatian officials ensure that members of the military and police refrain from criminal and other unacceptable behaviour and increase their efforts to protect the human rights of all persons present in Croatia, including the Serb population.

The Council welcomes the recommendations made by the Secretary-General in his report for specific action which must be taken to improve the human rights situation in the Republic of Croatia, inter alia, in the framework of the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium, as part of the peace process towards a comprehensive political settlement in the region. In this context, the Council calls upon the Government of Croatia to expand investigations of crimes committed against the Serb population in 1995. The Council again calls upon the Government of Croatia to rescind its decision of September 1995 suspending certain constitutional provisions affecting the rights of national minorities, principally Serbs.

The Council reminds the Government of Croatia of its obligation to cooperate with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and, in particular, to execute the arrest warrants issued by the International Tribunal regarding individuals under Croatian jurisdiction, including prominent accused persons known or believed to be in areas under its control, and to transfer to the Tribunal all indicted persons. In this context, the Council deplores the failure to date of the Republic of Croatia to execute the arrest warrants issued by the International Tribunal against individuals indicted by the Tribunal, in particular the Bosnian Croats referred to in the letter dated 16 September 1996 from the President of the Tribunal to the President of the Council, and calls for the execution of those arrest warrants without delay.

The Council recalls that no individual should be arrested and detained on the territory of the former Yugoslavia for serious violations of international humanitarian law until and unless the International Tribunal has reviewed the case and agreed that the warrant, order or indictment meets international legal standards.

The Council will remain seized of the matter and requests that the Secretary-General continue to report on the situation, in any case no later than 10 December 1996.

Decision of 15 November 1996 (3712th meeting): resolution 1079 (1996)

On 26 October 1996, pursuant to Security Council resolution 1037 (1996), the Secretary-General submitted to the Council a report on the major activities of UNTAES since his last report of 1 October

⁴⁰ S/PRST/1996/39.

1996, which identified the current challenges and future tasks of the mission and contained his recommendations.⁴¹ He stated that in the six months since the full deployment of UNTAES troops and civilian staff, demilitarization had been completed, the Transitional Police Force had been established, integration of waterways, railways and roads was in hand and postal and telephone services had been reconnected with Croatian systems. Strenuous efforts had been made to attract international financial assistance for the economic reconstruction and revitalization of the region. He also noted that the process of face-to-face political dialogue had been instrumental in the achievement of a satisfactory amnesty law. He informed the Council that, building on the progress that had been achieved, UNTAES had set a realistic target plan for the fulfillment of the remaining tasks of its mandate, although its achievement was dependent on the full and timely cooperation of the parties. He stated that, while extremists on both sides sought to disrupt the implementation by UNTAES of the Basic Agreement programme, it was of particular concern that the Government of Croatia had not been fully forthcoming in meeting its commitments and obligations. An atmosphere of confrontation and obstruction had developed that appeared to be related more to domestic political concerns than to the work of UNTAES. He emphasized that terminating the uncertainty around the mandate of UNTAES was an urgent requirement for the successful completion of the mission. It was clear that the completion of tasks within the present mandate period was impossible, and moreover, a decision by the Council to extend the mandate would discourage those who held the false belief that political pressure would cause the mission to compromise on the performance of its tasks and full realization of its mandate, and therefore seek to obstruct it. He stated that, while the presence of UNTAES had significantly contributed to the normalization of relations between Croatia and the Federal Republic of Yugoslavia and had played an important role in promoting wider regional stabilization, the climate of uncertainty and agitation that had developed over the past two months threatened to undermine the progress of the mission. The Secretary-General therefore recommended that the Council extend the mandate of UNTAES by six

⁴¹ S/1996/883.

months, to end on 15 July 1997. He added that the Council might also wish to give consideration to the need to make appropriate arrangements for a further six-month presence until the end of a two-year transitional period. This follow-on mission would be designed to monitor the parties' compliance with their commitments as outlined in the Basic Agreement and to promote an atmosphere of confidence among all local residents, while facilitating the establishment of a long-term monitoring and observation presence. He noted that an early decision would be needed in order to avoid a further period of pressure and political turmoil.

At its 3712th meeting, held on 15 November 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Indonesia), with the consent of the Council, invited the representative of Croatia, at his request, to participate in the discussion without the right to vote. The President drew the attention of the Council to a letter dated 1 November 1996 from the representative of the Federal Republic of Yugoslavia addressed to the President of the Security Council,⁴² in which he informed the Council that the Federal Republic of Yugoslavia strongly urged the Security Council to adopt a resolution on the extension of the mandate of UNTAES until 15 January 1998, to assure the full implementation of all provisions of the Basic Agreement and satisfy the fundamental needs of the peace process in general.

At the same meeting, the President drew the attention of members of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁴³ The draft resolution was then put to the vote and adopted unanimously as resolution 1079 (1996), which reads:

The Security Council,

Recalling all its relevant resolutions concerning the territories of Eastern Slavonia, Baranja and Western Sirmium of the Republic of Croatia, in particular its resolutions 1023 (1995) of 22 November 1995, 1025 (1995) of 30 November 1995, 1037 (1996) of 15 January 1996, 1043 (1996) of 31 January 1996 and 1069 (1996) of 30 July 1996,

⁴² S/1996/899.

⁴³ S/1996/938.

Reaffirming once again its commitment to the independence, sovereignty and territorial integrity of the Republic of Croatia, and emphasizing in this regard that the territories of Eastern Slavonia, Baranja and Western Sirmium are integral parts of the Republic of Croatia,

Welcoming the success the United Nations Transitional Administration in Eastern Slavonia, Baranja and Western Sirmium has had in facilitating the peaceful return of the territories to the control of the Republic of Croatia,

Recalling that the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium, signed on 12 November 1995 by the Government of the Republic of Croatia and the local Serb community, requested the Security Council to establish a Transitional Administration to govern the region during the transitional period,

Recalling also that the Basic Agreement provided that the transitional period of twelve months may be extended at most to another period of the same duration if so requested by one of the parties,

Noting that the local Serb community has requested that the transitional period be extended by twelve months, as indicated by the Secretary-General in his report of 28 August 1996,

Welcoming the report of the Secretary-General of 26 October 1996, and noting in particular the recommendations of the Secretary-General that the mandate of the Transitional Administration should be extended by six months, until 15 July 1997, that early extension would avoid a period of pressure and political turmoil, and that the Council should consider at this time the need for a further six-month presence of the United Nations,

Determining that the situation in Croatia continues to constitute a threat to international peace and security,

Determined to ensure the security and freedom of movement of the personnel of the United Nations peacekeeping operations in the Republic of Croatia, and, to these ends, acting under Chapter VII of the Charter of the United Nations,

1. *Expresses its full support* for the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium, and calls upon the Government of the Republic of Croatia and the local Serb community to cooperate fully with the Transitional Administration and to fulfil all obligations specified in the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium and all relevant Security Council resolutions;

2. *Calls upon* the Government of the Republic of Croatia and the local Serb community to cooperate with the Transitional Administration in creating the conditions and taking the other steps necessary for holding local elections in the region, in accordance with the Basic Agreement, the organization of which is the responsibility of the Transitional Administration;

3. *Reaffirms* the importance of full compliance by the parties with their commitments as specified in the Basic Agreement to respect the highest standards of human rights and fundamental freedoms and to promote an atmosphere of confidence among all local residents irrespective of their ethnic origin, and in this context, urges the Government of the Republic of Croatia to ensure respect for the rights of all national ethnic groups;

4. *Urges*, furthermore, the Republic of Croatia and the local Serb community to avoid actions which could lead to refugee movements, and, in the context of the right of all refugees and displaced persons to return to their homes of origin, reaffirms the right of all persons originating from the Republic of Croatia to return to their homes of origin throughout the Republic of Croatia;

5. *Emphasizes* the responsibility of both the Republic of Croatia and the local Serb community to improve the reliability and effectiveness of the transitional police force, in cooperation with the Transitional Administration and consistent with its mandate;

6. *Requests* the Secretary-General to keep the Council fully informed of developments and to report to the Council by 15 February 1997 and again by 1 July 1997 on the situation in the region;

7. *Decides* to maintain the United Nations presence in the region until the end of the extended transitional period as provided for in the Basic Agreement, and:

(a) *Decides* to extend the mandate of the Transitional Administration until 15 July 1997;

(b) *Requests* that as soon as possible after the successful holding of elections, and in no case later than his report of 1 July 1997, the Secretary-General provide to the Council for its immediate action his recommendations, in the light of the progress of the parties towards fulfilling the Basic Agreement, for the further United Nations presence, possibly a restructured Transitional Administration, consistent with the fulfilment of the Basic Agreement, for the six-month period beginning 16 July 1997;

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

Decision of 20 December 1996 (3727th meeting): statement by the President

On 5 November 1996, pursuant to Security Council resolution 1019 (1995), the Secretary-General submitted to the Council a further report on the situation of human rights in Croatia.⁴⁴ In his report, he observed that, although the security situation in the former Sectors had improved slightly since his last

⁴⁴ S/1996/1011 and Corr.1.

report, the ongoing looting and harassment, especially in the area around Knin, gave continuing cause for concern. Prospects for improved confidence amongst the local Serb population were further harmed by the Government's lack of progress in investigating and resolving incidents of human rights violations that occurred in 1995. He noted that it was a legitimate question whether Croatian Serbs in the region would be able to re-establish the conditions of normal life in the near future. However, there had been some positive political developments, including the Agreement on Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia, which contained important human rights commitments, the adoption of the new Law on Amnesty on 25 September 1996 and the admission of Croatia to the Council of Europe. He informed the Council that, on the issue of the return of Croatian Serb refugees, there had been little progress since his last report. He stated that two developments boded especially poorly for the prospect of future returns. The first was the failure of the Government of Croatia to effectively safeguard property rights. The second was related to the implementation of the new amnesty law, where the re-arrest of numerous persons, immediately following their release under the law, threatened to deprive the legislation of its value in building confidence and promoting reconciliation in Croatia. Regarding the International Tribunal for the Former Yugoslavia, there remained strong grounds for concern that the Government of Croatia was withholding its full cooperation, principally by failing to ensure the apprehension of indicted war-crime suspects believed to be in areas under its control. The Office of the Prosecutor had also advised that it had not been able to find evidence of any serious attempt by the Croatian authorities to investigate grave allegations made about the conduct of Croatian soldiers and civilians during the 1995 military operations in Krajina and Western Slavonia.

At its 3727th meeting, held on 20 December 1996 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Italy), with the consent of the Council, invited the representative of Croatia, at his request, to participate in the discussion without the right to vote.

At the same meeting, the President made the following statement on behalf of the Council:⁴⁵

The Security Council has considered the report of the Secretary-General of 5 December 1996 submitted pursuant to Council resolution 1019 (1995) on Croatia.

The Council acknowledges notable progress in the humanitarian situation, in particular measures taken by the Government of Croatia to meet the most urgent humanitarian needs of the Croatian Serb population.

Although the security situation has improved slightly, the Council, however, expresses its concern at continued acts of harassment, looting and physical attacks against Croatian Serbs and, in particular, involvement by Croatian uniformed military and police officials in a number of those incidents. It calls upon the Government of Croatia to intensify its efforts to improve the security situation and to ensure adequate security conditions for the local Serb population, including the urgent re-establishment of a functioning court system in the former sectors North and South.

The Council is deeply concerned that in spite of its previous requests there has been little progress on the issue of the return of the Croatian Serb refugees and urges the Government of Croatia to adopt a comprehensive approach in order to facilitate the return of refugees originating from Croatia to their homes of origin throughout Croatia. It deplores the continued failure by the Government of Croatia to safeguard effectively their property rights, especially the situation where many of those Serbs who have returned to the former sectors have been unable to regain possession of their properties. The Council calls upon the Government of Croatia to apply immediately proper procedures to the question of property rights and to stop all forms of discrimination against the Croatian Serb population in the provision of social benefits and reconstruction assistance.

The Council is deeply concerned at reports that the new amnesty law is not being implemented in a fair and equitable manner. It underlines the fact that equitable application of that law is vital for building confidence and promoting reconciliation in Croatia as well as for the peaceful reintegration of the region of Eastern Slavonia, Baranja and Western Sirmium.

The Council stresses the importance of the commitments undertaken by the Government of Croatia in relation to the Council of Europe, including its signature of the Framework Convention for the Protection of National Minorities and expects that the Government of Croatia will implement those commitments fully and without delay.

The Council reiterates its call upon the Government of Croatia to cooperate fully with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of

⁴⁵ S/PRST/1996/48.

the Former Yugoslavia since 1991 and to conduct investigations into and the prosecution of all persons accused of serious violations of international humanitarian law, especially those committed in the course of military operations in 1995.

The Council will remain seized of the matter and requests that the Secretary-General continue to report on the situation, in any case no later than 10 March 1997.

**Decision of 14 January 1997 (3731st meeting):
resolution 1093 (1997)**

On 31 December 1996, pursuant to Security Council resolution 1066 (1996), the Secretary-General submitted to the Council a report on the situation in the Prevlaka peninsula as well as on the progress made by Croatia and the Federal Republic of Yugoslavia towards a settlement.⁴⁶ In his report, the Secretary-General stated that the prospects for a peaceful settlement of the Prevlaka issue appeared to have improved with the Agreement on Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia. Given the comparative stability that the United Nations Mission of Observers in Prevlaka had ensured in the area, the parties needed to proceed to negotiate a settlement. Noting that, while Prevlaka remained a stable area, it was also tense and the potential for a military confrontation still existed. He also noted that the continued violations and the lack of real progress on the adoption of the options presented by UNMOP were still a cause for concern. He expressed his belief that the continued presence of UNMOP was indispensable, if the full benefits of the Agreement on Normalization of Relations were to be realized in the Prevlaka area and recommended a further six-month extension of the mandate of UNMOP until 15 July 1997.

At its 3731st meeting, held on 14 January 1997 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Japan), with the consent of the Council, invited the representative of Croatia, at his request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁴⁷ The President further drew the attention of the Council to

two other documents: a letter dated 28 October 1996 from the representative of the Federal Republic of Yugoslavia addressed to the Secretary-General,⁴⁸ and a letter dated 25 November 1996 from the representative of Croatia addressed to the Secretary-General,⁴⁹ which transmitted respective aides-mémoire on the situation.

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1093 (1997), which reads:

The Security Council,

Recalling its earlier relevant resolutions, in particular, resolutions 779 (1992) of 6 October 1992, 981 (1995) of 31 March 1995, 1025 (1995) of 30 November 1995, 1038 (1996) of 15 January 1996 and 1066 (1996) of 15 July 1996,

Having considered the report of the Secretary-General of 31 December 1996;

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

Noting the Joint Declaration signed at Geneva on 30 September 1992 by the Presidents of the Republic of Croatia and the Federal Republic of Yugoslavia by which they reaffirmed their agreement concerning the demilitarization of the Prevlaka peninsula, emphasizing the contribution that this demilitarization has made to the decrease of tension in the region, and stressing the need for the Republic of Croatia and the Federal Republic of Yugoslavia to agree on a settlement which would resolve their differences peacefully,

Noting with concern the violations in the United Nations designated zones in the region, and other activities, including restrictions on the freedom of movement of United Nations military observers, referred to in the report of the Secretary-General, which have dangerously increased tensions,

Welcoming the mutual recognition among all the successor States to the former Socialist Federal Republic of Yugoslavia within their internationally recognized borders, and stressing the importance of full normalization of relations among those States,

Commending the Agreement on Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia, signed in Belgrade on 23 August 1996, committing the parties to resolve peacefully the disputed issue of Prevlaka by negotiations in the spirit of the Charter of the United Nations and good neighbourly relations,

Determining that the situation in Croatia continues to constitute a threat to international peace and security,

⁴⁶ S/1996/1075.

⁴⁷ S/1997/29.

⁴⁸ S/1996/884.

⁴⁹ S/1996/974.

1. *Authorizes* the United Nations military observers to continue monitoring the demilitarization of the Prevlaka peninsula, in accordance with resolutions 779 (1992) and 981 (1995) and paragraphs 19 and 20 of the report of the Secretary-General of 13 December 1995 until 15 July 1997;

2. *Urges* the parties to abide by their mutual commitments and to implement fully the Agreement on Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia and stresses that these are critical for the establishment of peace and security throughout the region;

3. *Calls upon* the parties to adopt the practical options proposed by the United Nations military observers for the improvement of safety and security in the area, as referred to in the report of the Secretary-General of 31 December 1996; and requests that the Secretary-General report by 15 April 1997 on progress made in implementing those practical options, in particular regarding the freedom of movement of the military observers throughout the area and respect for the demilitarization regime;

4. *Calls upon* the parties to cease and refrain from all violations and from military or other activities which may increase tension, to cooperate fully with the United Nations military observers and to ensure their safety and freedom of movement, including through the removal of landmines;

5. *Requests* the Secretary-General to submit to the Council by 5 July 1997, for its early consideration, a report on the situation in the Prevlaka peninsula as well as on progress made by the Republic of Croatia and the Federal Republic of Yugoslavia towards a settlement which would resolve their differences peacefully;

6. *Requests* the United Nations military observers and the multinational Stabilization Force authorized by the Council in resolution 1088 (1996) of 12 December 1996 to cooperate fully with each other;

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

**Decision of 31 January 1997 (3737th meeting):
statement by the President**

By a letter dated 21 January 1997 addressed to the President of the Security Council, the Secretary-General stated that, since his previous report, the political focus of UNTAES had been to resolve outstanding policy issues required for the holding of elections. He informed the Council that the Joint Implementation Committee on Elections had been unable to resolve any of the principal policy questions, including representation (the institutions for which elections were to be held), voter eligibility and timing of elections. In an attempt to resolve the political deadlock, the Transitional Administrator had met with

local Serb leaders and officials of the Government of Croatia on the political package for elections. The outcome of the consultations with the Government of Croatia were contained in a letter dated 12 January 1997, where the Government of Croatia committed itself before the international community to implement fully the Basic Agreement and extended additional rights and privileges to the residents of the region. It also indicated agreement to international monitoring of the implementation of the commitments outlined in the letter. The local Serb Executive Council and Regional Assembly replied in a letter dated 16 January 1997 seeking additional guarantees including the creation of a single county for the region.

The Secretary-General stated that the political package, taken in conjunction with the Basic Agreement and resolution 1037 (1996) as well as the guarantees contained in the Affidavit of Employment, constituted a comprehensive framework of guarantees for Serbs who chose to stay in Croatia. He stated that the letter by the Government of Croatia merited favourable consideration by the Council, although he reiterated that strict compliance by all sides with the obligations outlined in the letter, and the full support of the international community, were essential, if the reintegration process was to succeed.

At its 3737th meeting, held on 31 January 1997 in accordance with the understanding reached in its prior consultations, the Security Council included the letter from the Secretary-General in its agenda. Following the adoption of the agenda, the President (Japan), with the consent of the Council, invited the representative of Croatia, at his request, to participate in the discussion without the right to vote. The President drew the attention of the Council to the following documents: a letter dated 13 January 1997 from the representative of Croatia addressed to the President of the Security Council,⁵⁰ conveying the proposal for elections in the region of Eastern Slavonia, Baranja and Western Sirmium; a letter dated 22 January from the representative of the Federal Republic of Yugoslavia addressed to the President of the Security Council,⁵¹ transmitting a letter dated 16 January 1997 from the Assembly and the Executive Council of the Region of Eastern Slavonia, Baranja and Western Sirmium

⁵⁰ S/1997/27.

⁵¹ S/1997/64.

replying to the proposal of the Government of Croatia for the elections; a letter dated 27 January 1997 from the representative of the Federal Republic of Yugoslavia to the President of the Security Council transmitting a letter dated 25 January 1997 from the Federal Minister for Foreign Affairs of the Federal Republic of Yugoslavia addressed to the President of the Security Council,⁵² which stated that the requests of the Serbs in the region deserved to be carefully considered.

At the same meeting, the President made the following statement on behalf of the Council:⁵³

The Security Council has considered the letter from the Secretary-General dated 21 January 1997 concerning developments with respect to the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium, and welcomes his evaluation.

The Council welcomes the letter dated 13 January 1997 from the Government of Croatia on the completion of the peaceful reintegration of the region under the Transitional Administration, which guarantees the local Serb community representation and a voice at various levels of local, regional and national government, provides for a limited deferment of military service and affirms the intention of the Government of Croatia to provide the local Serb population with the protection of their legal and civil rights under Croatian law. The Council calls upon the Government of Croatia to implement fully the commitments contained in that letter and the oral guarantees made by Croatian officials to the Transitional Administration, as specified in the letter from the Secretary-General dated 21 January 1997.

The Council also takes note of the letter dated 16 January 1997 from the local Serb Executive Council and Regional Assembly on this matter.

The Council recalls the statement by its President of 15 August 1996 and again underlines the importance of the holding of elections, the organization of which is the responsibility of the Transitional Administration, in accordance with the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium signed on 12 November 1995. The Council shares the view of the Transitional Administrator that the rights and guarantees outlined in the letter from the Government of Croatia, if fully implemented, constitute a solid basis for the holding of elections simultaneously with nationwide elections in Croatia, and offer substantial progress towards the completion of the process of peaceful reintegration of the region. In this context, the Council emphasizes that the holding and certification of elections, upon a decision by the Transitional Administration, within the envisaged timeframe will

⁵² S/1997/78.

⁵³ S/PRST/1997/4.

only be possible if the Croatian authorities fulfil their obligations with respect to the completion of the issuance of citizenship and identity documents for all eligible voters and relevant technical documents, and provide all information as required by the Transitional Administration for certification of the elections. The Council underlines the need for full cooperation by the local Serbs.

The Council reiterates the importance of confidence building measures which could benefit residents of the region beyond the expiration of the mandate of the Transitional Administration. In this regard, it encourages the Croatian authorities to maintain the present demilitarized status of the region.

The Council reaffirms the importance of effectively implementing the right of all residents in the region to equal treatment with respect to housing, access to reconstruction grants and loans, and to property compensation, as guaranteed by Croatian law. It reiterates the right of all refugees and displaced persons to return to their places of origin. It also reiterates the right of residents of a State to choose freely where they wish to live. The upholding of these principles is of vital importance for the stability of the region. In this connection, it strongly encourages the Government of Croatia to reaffirm its obligation, under the provisions of the Croatian Constitution, Croatian law and the Basic Agreement, to treat all its citizens equally regardless of their ethnicity.

The Council stresses that the restoration of the multiethnic character of Eastern Slavonia is important to international efforts to maintain peace and stability in the region of the former Yugoslavia as a whole. The Council encourages the Croatian Government to take such steps as are needed to promote goodwill, build confidence and provide assurances of a safe, secure and stable environment to all people in the region. These steps should include full implementation of its Amnesty Law, full cooperation with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia, improved cooperation with respect to local Serbs who wish to return to other areas of Croatia, full compliance with the Basic Agreement and full cooperation with the Transitional Administration and other international organizations. The Council welcomes the commitments by the Government of Croatia with regard to the establishment of a Joint Council of Municipalities, a Council of the Serb Ethnic Community and with respect to educational and cultural autonomy of the Serb population and other minorities in the region. The Council notes the reassurances of the Croatian authorities that applications for a second period of deferment of military service for local Serbs will be considered in a positive manner.

The Council condemns the incident that occurred at Vukovar on 31 January 1997, which resulted in the death of a Transitional Administration peacekeeper and injuries to other Transitional Administration personnel.

The Council calls upon both sides to cooperate in good faith on the basis of the Basic Agreement. It also calls upon them to continue to cooperate with the Transitional Administrator and with the Transitional Administration in order to ensure the success of the process of reintegration. It calls upon the international community to support fully this endeavour.

The Council expresses its appreciation to the Transitional Administrator and his staff; and reaffirms its full support for them.

The Council will remain actively seized of the matter.

**Decision of 7 March 1997 (3746th meeting):
statement by the President**

On 24 February 1997, pursuant to Security Council resolution 1079 (1996), the Secretary-General submitted to the Council a report on the situation in the region under the administration of UNTAES.⁵⁴ He informed the Council that the Transitional Administrator considered that, with the full cooperation of the parties, 13 April 1997 was a realistic and achievable date for the holding of free and fair elections in the region. He also stated that the political framework for elections, including the rights and guarantees contained in the letter of 13 January 1997 from the Government of Croatia, offered the residents of the region the prospect of full participation in Croatian political life as equal citizens. He further cautioned that the holding of the elections would also depend on the readiness of the Government of Croatia to meet all preconditions, including the issuance of documents, provision of data and timely completion of the technical arrangements required for certification. He also expressed concern about the recent increase in the number of people leaving the region, which could constitute a threat to international efforts to promote peace both in the region and in the wider area. In addition, he was concerned that no progress had been made with respect to the future of displaced persons and the establishment of equal treatment with respect to housing, access to reconstruction grants and loans as well as to property compensation, as guaranteed by Croatian law. He suggested that if the Government of Croatia issued a formal public confirmation of the guarantees from its letter, it would go a long way towards reassuring its Serb interlocutors and assuaging

⁵⁴ S/1997/148.

the fears of those Serbs currently inclined to leave the region.

At its 3746th meeting, held on 7 March 1997 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Poland), with the consent of the Council, invited the representative of Croatia, at his request, to participate in the discussion without the right to vote. The President further drew the attention of the Council to a letter dated 4 March 1997 from the representative of the Federal Republic of Yugoslavia addressed to the President of the Security Council, which requested the Security Council to adopt a resolution containing a number of elements regarding the implementation of the elections.⁵⁵

At the same meeting, the President made the following statement on behalf of the Council:⁵⁶

The Security Council has considered the report of the Secretary-General of 24 February 1997 on the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium and recent developments in that region. It recalls the statement by its President of 31 January 1997 and reiterates its call on the parties to cooperate fully with the Transitional Administration and the Transitional Administrator.

The Council shares the observation contained in the report of the Secretary-General that, with the full cooperation of the parties, 13 April 1997 is a realistic and achievable date for the holding of free and fair elections in the region.

The Council underlines that it is in the best interests of the members of the Serb community to collect their citizenship documents, to participate fully in those elections, and to take part in Croatian political life as equal citizens on the basis of the implementation of the rights and guarantees contained in the letter dated 13 January 1997 from the Government of Croatia. The Council deplores disruptive activities by some elements of the Serb community in the region creating an atmosphere of political agitation and uncertainty. It calls upon all residents of the region to follow wise leadership, to stay in the region, and to take up their future as citizens of the Republic of Croatia.

The Council stresses that the holding of the elections will also depend on the readiness of the Government of Croatia to meet all preconditions, including the issuance of documents, provision of data and timely completion of the technical arrangements required for certification. The Council acknowledges the encouraging progress the Government of Croatia is making in this respect. It is, however, concerned that

⁵⁵ S/1997/188.

⁵⁶ S/PRST/1997/10.

implementation of these procedures has been uneven. The Council urges the Government of Croatia to redouble its efforts to ensure the completion of the necessary technical preparations for the holding of elections.

The Council strongly urges the Croatian Government to issue, as a gesture towards reassuring the Serb community, formal public confirmation of the oral guarantees made to the Transitional Administration as specified by the Secretary-General in his letter dated 21 January 1997 and to reaffirm its obligations as referred to in paragraphs 28 and 29 of the report of the Secretary-General. It also calls upon the Government of Croatia to apply its Amnesty Law fairly and consistently to all persons subject to its jurisdiction. The Council stresses that, to a large measure, the long-term success of peaceful reintegration will be determined by the commitment of the Government of Croatia to reconciliation and to ensuring that those Serbs who are currently resident in the region will enjoy equal rights as Croatian citizens.

The Council shares the serious concern, as stated in the report of the Secretary-General, that no progress has been made concerning the future of displaced persons in the region and the establishment of equal treatment with respect to housing, access to reconstruction grants and loans and property compensation, in accordance with the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium and Croatian law. The Council reaffirms the right of all refugees and displaced persons to return to their homes of origin throughout the Republic of Croatia and to live there in conditions of security. It welcomes the proposal elaborated by the Transitional Administration and the Office of the United Nations High Commissioner for Refugees concerning the return of displaced persons, and urges the Government of Croatia to pursue discussions on that proposal without delay, to cooperate closely with the Transitional Administration and the Office of the High Commissioner in implementation, and to make a clear and unambiguous public statement and undertake concrete actions confirming the equal rights of all displaced persons regardless of their ethnicity.

The Council welcomes the commitment by the Federal Republic of Yugoslavia and the Republic of Croatia to make progress in their bilateral relations, in particular with respect to the permanent demilitarization of the border region and the abolition of the visa regime, which would constitute a major contribution to local confidence-building and the stabilization of the region.

The Council recalls its resolution 1079 (1996) of 15 November 1996 and expresses its intention to consider recommendations, to be submitted by the Secretary-General as soon as possible after the successful holding of elections, concerning the further United Nations presence consistent with the fulfillment of the Basic Agreement.

The Council requests the Secretary-General to keep it regularly informed of the situation. It will remain actively seized of the matter.

Decision of 19 March 1997 (3753rd meeting): statement by the President

On 5 March 1997, pursuant to Security Council resolution 1019 (1995), the Secretary-General submitted to the Council a further report on the situation of human rights in Croatia.⁵⁷ In his report, he stated that security conditions for Croatian Serbs living in the former Sectors, most of whom were elderly, continued to be unsatisfactory, particularly in the area around Knin. Although there was a significant police presence throughout the region, the authorities had generally been ineffective in restoring a climate of law and order. As for investigations of past violations of humanitarian law and human rights, while some progress had taken place regarding more recent incidents, major crimes which occurred at or near the time of Croatia's military operation in the summer of 1995 remained for the most part unresolved. He noted that difficulties for remaining Serbs had been eased considerably during the past winter by intensive humanitarian programmes. Still there had been little progress with regard to the return of younger relatives of elderly Croatian Serbs remaining in the area, despite the 1996 Agreement on Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia. With regard to the Tribunal, the Secretary-General emphasized that there remained strong grounds for concern that the Government was withholding its full cooperation. As international observers had noted, hostility continued to characterize inter-ethnic relations in the former Sectors, and it was clear that, if there was to be genuine improvement in the disturbing situation in the former Sectors, efforts by both international and local organizations to promote confidence and reconciliation would continue to be needed for the foreseeable future.

At its 3753rd meeting, held on 19 March 1997 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Poland), with the consent of the Council, invited the representative of Croatia, at his request, to participate in the discussion without the right to vote.

⁵⁷ S/1997/195.

At the same meeting, the President made the following statement on behalf of the Council:⁵⁸

The Security Council has considered the report of the Secretary-General on Croatia of 5 March 1997 submitted pursuant to Council resolutions 1009 (1995) and 1019 (1995). It also recalls the statement by its President of 20 December 1996.

The Council remains deeply concerned that, although the Government of Croatia maintains that it has deployed the necessary number of police officers, Croatian Serbs continue to live in conditions of serious insecurity throughout the areas which had been designated United Nations Protected Areas and were known as sectors West, North and South, particularly in the area of former Sector South around Knin. It calls upon the Government of Croatia to take further steps to restore a climate of law and order in those areas.

The Council welcomes the fact that difficult living conditions for remaining Serbs have been considerably eased during recent months by intensive humanitarian programmes conducted by international organizations. In this context, it calls upon the Government of Croatia to assume fully its responsibilities, in cooperation with all relevant international organizations, to ensure that the social and economic situation of all inhabitants in the former sectors improves.

The Council expresses its concern that there continues to be little progress with regard to the return of Croatian Serb displaced persons and refugees to the areas. It calls upon the Government of Croatia to accelerate its efforts to improve conditions of personal and economic security, to remove bureaucratic obstacles to the rapid issue of documentation to all Serb families and to resolve promptly the property issue, by a return of property or just compensation, in order to facilitate the return of Croatian Serbs to the former sectors.

The Council calls upon the Government of Croatia to remove uncertainty about the implementation of its Amnesty Law, in particular by finalizing without delay the list of war crime suspects on the basis of existing evidence and in strict accordance with international law, and to put an end to arbitrary arrests, particularly of Serbs returning to Croatia.

The Council recalls the obligations of Croatia arising from relevant universal human rights instruments to which it is a party. It welcomes the commitments undertaken by the Government of Croatia in relation to the Council of Europe, including its signature of the Framework Convention for the Protection of National Minorities and expects that the Government of Croatia will implement those commitments fully.

The Council is concerned that the Government of Croatia continues to withhold its full cooperation with the International Tribunal for the Prosecution of Persons Responsible for Serious violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia. It underlines the obligation

of the Government of Croatia, in accordance with resolution 827 (1993), to respond promptly and in full to all requests from the International Tribunal. It also calls upon the Government of Croatia to conduct investigations into and the prosecution of persons accused of serious violations of international humanitarian law, especially those committed in the course of military operations in 1995.

The Council stresses the importance of the effective implementation of the measures outlined in the paragraphs above for promoting confidence and reconciliation in Croatia as well as for the peaceful reintegration of the region of Eastern Slavonia, Baranja and Western Sirmium. In this context, the Council requests the Secretary-General to continue to keep it informed on a regular basis and to report again on the humanitarian and human rights situation in Croatia within his report to be submitted by 1 July 1997 pursuant to paragraph 6 of resolution 1079 (1996).

**Decision of 25 April 1997 (3772nd meeting):
statement by the President**

On 14 April 1997, pursuant to Security Council resolution 1093 (1997), the Secretary-General submitted to the Council a report on the progress made in implementing those practical options proposed by the United Nations military observers for the improvement of safety and security in the area of the Prevlaka peninsula, particularly regarding the freedom of movement of the military observers throughout the entire area and respect for the demilitarization regime.⁵⁹ In his report, the Secretary-General noted that the parties had made no progress towards adopting the practical options that were part of the procedures proposed by the United Nations Mission of Observers in Prevlaka in May 1996 to reduce tension and improve safety and security in the area. Long-standing violations of the demilitarization regime also persisted and both parties continued to restrict the freedom of movement of UNMOP. He informed the Council that the parties had indicated that their continuing bilateral negotiations had not yet addressed the Prevlaka issue directly and that there had been no progress towards a settlement of the dispute. The Secretary-General stated that, in that situation, UNMOP would continue to carry out its mandate, within the existing practical constraints. It would also continue its efforts to enhance security and safety in its area of responsibility and to contribute to confidence-building between the parties.

⁵⁸ S/PRST/1997/15.

⁵⁹ S/1997/311.

At its 3772nd meeting, held on 25 April 1997 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. At the same meeting, the President made the following statement on behalf of the Council:⁶⁰

The Security Council has considered the report of the Secretary-General of 14 April 1997 concerning the United Nations Mission of Observers in Prevlaka and expresses its disappointment at the general lack of improvement in the situation in Prevlaka.

The Council is concerned by the assessment of the Secretary-General that, while the situation generally has been stable, several developments have led to an increase in tension in the area. The Council is particularly concerned by the descriptions in the report of continuing violations of the demilitarization regime, including movements of heavy weapons and of special police of the Republic of Croatia, and the entry by a navy missile boat of the Federal Republic of Yugoslavia into the demilitarized zone, in disregard of the concerns and requests previously expressed by the Council.

The Council calls upon the parties to refrain from provocative actions of all kinds, to cease violations of the demilitarized zone and to cooperate fully with the United Nations military observers.

The Council also notes the observations in the report of the Secretary-General about the lack of any progress towards adopting the practical options proposed to the parties by the United Nations military observers in May 1996, as referred to in the report of the Secretary-General of 31 December 1996 to improve the safety and security of the area. The Council reiterates its call upon both parties to adopt these practical options with a view to their early implementation, to remove landmines from areas patrolled by the military observers, and to stop their interference with the freedom of movement of the military observers and with the implementation of the mandate of the observers.

The Council calls upon the Republic of Croatia and the Federal Republic of Yugoslavia to resolve the disputed issue of Prevlaka through bilateral negotiations pursuant to the Agreement on Normalization of Relations, signed by them in Belgrade on 23 August 1996, and in the spirit of the Charter of the United Nations and good neighbourly relations.

The Council emphasizes its confidence in and support for the work of the United Nations military observers. It expresses its appreciation to the military observers and to the Member States who have provided personnel and other forms of support.

The Council will remain seized of the matter.

⁶⁰ S/PRST/1997/23.

Decision of 8 May 1997 (3775th meeting): statement by the President

By a letter dated 29 April 1997 addressed to the President of the Security Council,⁶¹ the Secretary-General informed the Council of the results of the elections held on 13 and 14 April 1997 in the region of Eastern Slavonia, Baranja and Western Sirmium under the administration of UNTAES. In his report, the Secretary-General stated that the Transitional Administrator had informed him that no intimidation, violence or electoral improprieties were observed or reported before, during or after the elections, which had been an essential step for further progress in the peaceful reintegration of the region and had opened the way for the two-way return of all displaced persons in Croatia. In that regard, rapid progress had been made with the adoption by the Government of Croatia on 24 April 1997 of the Agreed Procedures on Return.

At its 3775th meeting, held on 8 May 1997 in accordance with the understanding reached in its prior consultations, the Security Council included the letter in its agenda. Following the adoption of the agenda, the President (Republic of Korea), with the consent of the Council, invited the representative of Croatia, at his request, to participate in the discussion without the right to vote. The President drew the attention of the Council to a letter dated 2 May 1997 from the representative of the Netherlands addressed to the Secretary-General, drawing attention to the statement on the elections in Croatia issued by the European Union on 30 April 1997.⁶²

At the same meeting, the President made the following statement on behalf of the Council:⁶³

The Security Council welcomes the letter from the Secretary-General dated 29 April 1997 which conveys the conclusions of the Transitional Administrator regarding the successful holding of the elections in the region of Eastern Slavonia, Baranja and Western Sirmium in the Republic of Croatia beginning on 13 April 1997, under the direction of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium.

The Council shares the assessment of the Transitional Administrator that the holding of the elections has been an essential step for further progress in the peaceful reintegration of the region and marks an important milestone for the

⁶¹ S/1997/343.

⁶² S/1997/348.

⁶³ S/PRST/1997/26.

legitimate representation of the local population in the Croatian constitutional and legal system. It urges early formation of the newly elected bodies of local government and prompt and full implementation of the undertakings contained in the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium and the letter dated 13 January 1997 from the Government of Croatia including the establishment of the Joint Council of Municipalities and the appointment of local Serbs to the guaranteed positions in the parliamentary and administrative structures of Croatia.

The Council underlines the finding of the Transitional Administrator that no intimidation, violence or electoral improprieties were observed or reported before, during or after the elections. The Council welcomes the goodwill and sense of cooperation demonstrated by the parties to the process.

The Council emphasizes the importance of the two-way return of all displaced persons in Croatia, as well as the right of residents of a State to choose freely where they wish to live. In this context, it welcomes the Agreement of the Joint Working Group on the Operational Procedures of Return. It urges the Government of Croatia strictly to implement this agreement. The Council calls upon both sides to cooperate in good faith on the basis of the Basic Agreement and stresses the need to respect human rights, including rights of persons belonging to minorities, throughout the country, in order to ensure the success of the process of reintegration.

The Council expresses its appreciation to the Transitional Administration and to those elements of the international community, including observers from the Organization for Security and Cooperation in Europe, the Council of Europe and members of the diplomatic community, whose efforts made possible the successful holding of elections. The Council commends the Transitional Administration for resolving technical difficulties by taking decisive actions, which contributed significantly to the successful holding of the elections.

The Council looks forward to the recommendations of the Secretary-General, in the light of the progress of the parties towards fulfilling the Basic Agreement, for the further United Nations presence in Eastern Slavonia, Baranja and Western Sirmium, possibly a restructured Transitional Administration, consistent with the fulfillment of the Basic Agreement, for the six-month period beginning 16 July 1997, in accordance with Council resolution 1079 (1996).

**Decision of 14 July 1997 (3800th meeting):
resolutions 1119 (1997) and 1120 (1997)**

On 1 July 1997, pursuant to Security Council resolution 1093 (1997), the Secretary-General submitted to the Council a report on the situation in the Prevlaka peninsula and on progress made by Croatia and the Federal Republic Yugoslavia towards a settlement that would peacefully resolve their

differences.⁶⁴ In his report, the Secretary-General stated that the parties still retained differing interpretations of the Prevlaka dispute. Croatia regarded the dispute as a security issue to be settled by an arrangement that would provide security for each State within existing borders, while the Federal Republic of Yugoslavia felt that the dispute centered upon territorial possession of the Prevlaka peninsula. However, both parties confirmed their positive assessment of the role of UNMOP in lessening tension and maintaining stability in the region. The Secretary-General expressed his belief that the presence of UNMOP continued to be essential to maintain conditions that were conducive to a negotiated settlement of the dispute. He therefore recommended a further six-month extension of the mandate of UNMOP until 15 January 1998.

On 23 June 1997, pursuant to paragraphs 6 and 7 of Security Council resolution 1079 (1996), the Secretary-General submitted to the Council a report giving an overview of the activities of UNTAES and describing the humanitarian and human rights situation in Croatia. It also contained his recommendations concerning the future of the United Nations presence in the region after 15 July 1997, in the light of the progress in implementing the Basic Agreement.⁶⁵ In his report, the Secretary-General noted that, since its full deployment in the region, UNTAES had made significant achievements in demilitarization, reintegration of institutions and creation of conditions that had permitted successful elections to be held in April, although the reintegration of the people had hardly begun. President Franjo Tudjman had reaffirmed Croatia's intention to fulfil its various obligations and guarantees, but no specific programmes or timetables had been given. Of particular concern was the stated intention of Croatia to introduce a regime of unrestricted access to the region without taking adequate steps to prevent harassment and intimidation of local residents. The Secretary-General informed the Council that there had been outbursts of ethnic violence against Serbs, increased harassment and intimidation of Serbs, continued hostile propaganda in the Croatian media and serious delays in the introduction in the region of Croatian institutions, among other problems. He stated that, as Croatian

⁶⁴ S/1997/506.

⁶⁵ S/1997/487.

promises had not been met in a timely manner on the ground, the Serbs' confidence about their future was very low. In fact, Serb reliance on UNTAES for protection had increased rather than diminished over the past several months. He stated that recent experience regarding the return of Croats to the region had underlined the need for effective preparations to rebuild a functioning multi-ethnic community. The Secretary-General informed the Council that Croatia's position was that, with the successful holding of elections, UNTAES had completed the executive part of its mandate; authority over the region should therefore be transferred to Croatia, the UNTAES military component should be withdrawn and the remaining United Nations civilian presence restricted to a monitoring and observation mission pending its replacement by a long-term Organization for Security and Cooperation in Europe observation mission. President Tudjman had warned of negative consequences for Croat-Serb relations and reconciliation, if the executive mandate of UNTAES was extended. The position of local Serbs and of the Federal Republic of Yugoslavia, which would be the primary recipient of Serb refugees from the region, if reintegration failed, was that UNTAES needed to remain with its existing mandate for the full extended transition period up to 15 January 1998. However, Croatia maintained that it would not have the opportunity to implement programmes of reconciliation as long as the region was under transitional administration, and that a large UNTAES military component created a psychological barrier to normal life. He stated that, in order to accommodate Croatia's concerns, the Transitional Administrator would devolve to Croatian executive responsibility for the major part of civil administration of the region while maintaining his authority and ability to intervene and overrule decisions, if the situation deteriorated and the achievements of UNTAES were threatened. The pace of devolution would be commensurate with Croatia's demonstrated ability to reassure the Serb population and successfully complete peaceful reintegration. In the second phase, subject to satisfactory Croatian performance, remaining executive functions would be devolved.

The Secretary-General expressed his concern that a precipitate transfer of authority to Croatia and the withdrawal of UNTAES in the near term could lead to a mass exodus of Serbs, which would gravely set back the process of bilateral normalization of relations,

imperil wider regional security and create an unwelcome precedent for collective international peace efforts in Bosnia and Herzegovina. He therefore recommended the proposed two-phase exit strategy to be an effective programme for the successful completion of peaceful reintegration and the withdrawal of UNTAES from the region. This was contingent upon the full cooperation of the Government of Croatia, which had yet to demonstrate its determination to fulfil its responsibilities. If the confidence of the local population in the sustainable reintegration of people in the region was not achieved, the Security Council would need to reassess the situation by 15 October 1997.

At its 3800th meeting, held on 14 July 1997 in accordance with the understanding reached in its prior consultations, the Security Council included the reports of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Sweden), with the consent of the Council, invited the representatives of Belgium, Croatia, Germany and Italy, at their request, to participate in the discussion without the right to vote. The President drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations⁶⁶ and to another draft resolution submitted by Belgium, France, Germany, Italy, Japan, Portugal, the Russian Federation, Sweden, the United Kingdom and the United States, with the Republic of Korea joining as a sponsor.⁶⁷ The President also drew the attention of the Council to a letter dated 7 July 1997 from the representative of Denmark addressed to the Secretary-General,⁶⁸ which transmitted the decision adopted by the Permanent Council of the Organization for Security and Cooperation in Europe concerning the presence of OSCE in Eastern Slavonia in Croatia.

At the same meeting, the first draft resolution was put to the vote and adopted unanimously as resolution 1119 (1997), which reads:

The Security Council,

Recalling its earlier relevant resolutions, in particular resolutions 779 (1992) of 6 October 1992, 981 (1995) of 31 March 1995, 1025 (1995) of 30 November 1995, 1038 (1996) of 15 January 1996, 1066 (1996) of 15 July 1996, and 1093

⁶⁶ S/1997/537.

⁶⁷ S/1997/528.

⁶⁸ S/1997/522.

(1997) of 14 January 1997, as well as the statement by its President of 25 April 1997,

Having considered the report of the Secretary-General of 1 July 1997,

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

Noting with concern that the parties have failed to make any progress in adopting the practical options proposed by the United Nations military observers in May 1996, as referred to in the report of the Secretary-General of 31 December 1996, to reduce tension and improve safety and security in the area, or in reaching a peaceful settlement of the Prevlaka issue,

Noting the observation contained in the report of the Secretary-General of 1 July 1997 that the presence of the United Nations military observers continues to be essential to maintain conditions that are conducive to a negotiated settlement of the disputed issue of Prevlaka,

Determining that the situation in Croatia continues to constitute a threat to international peace and security,

1. *Authorizes* the United Nations military observers to continue monitoring the demilitarization of the Prevlaka peninsula, in accordance with resolutions 779 (1992) and 981 (1995) and paragraphs 19 and 20 of the report of the Secretary-General of 13 December 1995, until 15 January 1998;

2. *Renews its call* upon the parties to abide by their mutual commitments, implement fully the Agreement on Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia of 23 August 1996 adopt the practical options proposed by the United Nations military observers for the improvement of safety and security in the area, cease all violations of the demilitarization regime and military or other activities which may increase tension, and cooperate fully with the United Nations military observers and ensure their safety and freedom of movement, including through the removal of landmines;

3. *Requests* the Secretary-General to submit to the Council by 5 January 1998 a report on the situation in the Prevlaka peninsula as well as on progress made by the Republic of Croatia and the Federal Republic of Yugoslavia towards a settlement to resolve their differences peacefully;

4. *Requests* the United Nations military observers and the multinational Stabilization Force authorized by the Council in resolution 1088 (1996) of 12 December 1996 to cooperate with each other;

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

At the same meeting, the second draft resolution was also put to the vote and adopted unanimously as resolution 1120 (1997), which reads:

The Security Council,

Recalling all its relevant resolutions concerning the territories of Eastern Slavonia, Baranja and Western Sirmium of the Republic of Croatia, in particular resolutions 1023 (1995) of 22 November 1995, 1025 (1995) of 30 November 1995, 1037 (1996) of 15 January 1996, 1043 (1996) of 31 January 1996, 1069 (1996) of 30 July 1996 and 1079 (1996) of 15 November 1996,

Reaffirming once again its commitment to the independence, sovereignty and territorial integrity of the Republic of Croatia, and emphasizing in this regard that the territories of Eastern Slavonia, Baranja and Western Sirmium are integral parts of the Republic of Croatia,

Expressing its appreciation for the substantial achievements of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium in facilitating progress towards the peaceful return of the region to the control of the Republic of Croatia, and expressing further its deep appreciation to the dedicated military and civilian personnel of the Transitional Administration for their outstanding contributions to its mission, and to the Transitional Administrator, Mr. Jacques Paul Klein, for his leadership and dedication,

Recalling the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium between the Government of the Republic of Croatia and the local Serb community, signed on 12 November 1995, which promotes the mutual confidence, safety and security of all inhabitants of the region,

Emphasizing the importance of the obligation of the Government of the Republic of Croatia to allow all refugees and displaced persons to return in safety to their homes throughout the Republic of Croatia, and further emphasizing the importance of the two-way return of all displaced persons in the Republic of Croatia,

Welcoming the Agreement of the Joint Working Group on the Operational Procedures of Return but noting with concern that the lack of conditions necessary for the return of displaced persons to the former United Nations Protected Areas from the region of Eastern Slavonia, Baranja and Western Sirmium prevents the return in any substantial number of those displaced persons seeking to return to Eastern Slavonia, Baranja and Western Sirmium from other parts of Croatia,

Expressing its grave concern over the lack of improvement in respect for human rights, including the: rights of persons belonging to minorities, in Croatia and in particular in the former United Nations Protected Areas, and strongly deploring recent incidents of ethnically motivated violence in Hrvatska Kostajnica and similar incidents,

Reiterating its concern about the failure of the Government of the Republic of Croatia to cooperate fully with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia, and in this context recalling the obligation of the

States in the region to surrender to the Tribunal all those indicted,

Reiterating also its concern about continued uncertainty regarding implementation of the Amnesty Law, which has been detrimental to the building of confidence and trust among Croatia's ethnic communities,

Welcoming the report of the Secretary-General of 23 June 1997, and noting in particular his recommendations for the continued presence of the Transitional Administration after 15 July 1997, with an appropriate restructuring of the mission,

Recalling that the Basic Agreement provides that the transitional period of twelve months may be extended at most to another period of the same duration if so requested by one of the parties, and noting that the local Serb community has requested such an extension, as indicated by the Secretary-General in his report of 28 August 1996,

Determining that the situation in Croatia continues to constitute a threat to international peace and security,

Determined to ensure the security and freedom of movement of the personnel of the United Nations peacekeeping operations in the Republic of Croatia, and to these ends, acting under Chapter VII of the Charter of the United Nations,

1. *Expresses its firm support* for the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium, and calls upon the Government of the Republic of Croatia and the local Serb community to cooperate fully with the Transitional Administration and other international bodies and to fulfil all obligations and commitments specified in the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium and all relevant Security Council resolutions, as well as in the letter from the Government of the Republic of Croatia dated 13 January 1997;

2. *Reaffirms* in particular the importance of full compliance by the parties, in particular by the Government of the Republic of Croatia, with their commitments, as specified in the Basic Agreement, to respect the highest standards of human rights and fundamental freedoms and to promote an atmosphere of confidence among local residents, regardless of their ethnic origin, and urges the Government of the Republic of Croatia to ensure respect for the rights of all persons of all national ethnic groups;

3. *Reaffirms also* the right of all refugees and displaced persons originating from the Republic of Croatia to return to their homes of origin throughout the Republic of Croatia;

4. *Strongly urges* the Government of the Republic of Croatia to eliminate promptly the administrative and legal obstacles to the return of refugees and displaced persons, in particular those posed by the Law on the Temporary Takeover and Administration of Specified Property; to create the necessary conditions of security, safety, and social and economic opportunity for those returning to their homes in Croatia,

including the prompt payment of pensions; and to foster the successful implementation of the Agreement of the Joint Working Group on the Operational Procedures of Return, treating all returnees equally, regardless of ethnic origin;

5. *Reminds* the local Serb population in Eastern Slavonia, Baranja and Western Sirmium of the importance of continuing to demonstrate a constructive attitude towards the reintegration of the region and a willingness to cooperate fully with the Government of the Republic of Croatia in building a stable and positive future for the region;

6. *Reiterates* its previous calls on all the States in the region, including the Government of the Republic of Croatia, to cooperate fully with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia;

7. *Urges* the Government of the Republic of Croatia to eliminate ambiguities in implementation of the Amnesty Law and to implement it fairly and objectively in accordance with international standards, in particular by concluding all investigations of crimes covered by the amnesty and undertaking an immediate and comprehensive review with United Nations and local Serb participation of all charges outstanding against individuals for serious violations of international humanitarian law which are not covered by the amnesty, in order to end proceedings against all individuals against whom there is insufficient evidence;

8. *Decides* to extend the mandate of the Transitional Administration until 15 January 1998, as envisaged in its resolution 1079 (1996) as well as in the Basic Agreement;

9. *Endorses* the plan for the gradual devolution of executive responsibility for civil administration in the region by the Transitional Administrator, as set out in the report of the Secretary-General of 23 June 1997;

10. *Also endorses* the plan for restructuring the Transitional Administration, as set out in the report of the Secretary-General of 23 June 1997, and, in particular, the proposal for achieving the drawdown of the military component of the Transitional Administration by 15 October 1997;

11. *Stresses* that the pace of the gradual devolution of executive responsibility would be commensurate with the demonstrated ability of Croatia to reassure the Serb population and successfully complete peaceful reintegration;

12. *Reiterates* its decision in its resolution 1037 (1996) that Member States, acting nationally or through regional organizations or arrangements, may, at the request of the Transitional Administration and on the basis of procedures communicated to the United Nations, take all necessary measures, including close air support, in defence of the Transitional Administration and, as appropriate, to assist in the withdrawal of the Transitional Administration;

13. *Requests* that the Transitional Administration and the multinational Stabilization Force authorized by the Council in resolution 1088 (1996) of 12 December 1996 continue to cooperate, as appropriate, with each other as well as with the High Representative;

14. *Requests* the Secretary-General to continue to keep the Council regularly informed of the situation and to report in any case no later than 6 October 1997 on all aspects relevant to the peaceful reintegration of the region;

15. *Stresses* the importance of demilitarization of the area, and in that context stresses further the importance of achieving bilateral agreements on demilitarization and a liberal border regime in the region of Eastern Slavonia, Baranja and Western Sirmium, accompanied by appropriate confidence building measures as suggested in the report of the Secretary-General of 23 June 1997;

16. *Calls upon* the Government of the Republic of Croatia, *inter alia*, to initiate a country-wide public programme of national reconciliation, to take all necessary steps for the official establishment and legal registration of the Joint Council of Municipalities, and to fulfil all its obligations as specified in the various agreements signed with the Transitional Administration;

17. *Welcomes* the renewed mandate of the Organization for Security and Cooperation in Europe of 26 June 1997 providing for a continued and reinforced presence of the Organization for Security and Cooperation in Europe in the Republic of Croatia, with a particular focus on two-way return of ill refugees and displaced persons, protection of their rights and the protection of persons belonging to national minorities, welcomes also the decision of the Organization for Security and Cooperation in Europe for the build-up of its mission personnel starting in July 1997 with a view to full deployment by 15 January 1998, and urges the Government of the Republic of Croatia to cooperate fully with the mission of the Organization for Security and Cooperation in Europe to that end;

18. *Underlines* the observation of the Secretary-General that the essential prerequisite for the successful completion of peaceful reintegration of the region is the full cooperation of the Government of the Republic of Croatia, which bears the responsibility for convincing the local population that the reintegration of the people of the region is sustainable and that the process of reconciliation and return is irreversible;

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

Decision of 18 September 1997 (3818th meeting): statement by the President

At its 3818th meeting, held on 18 September 1997 in accordance with the understanding reached in its prior consultations, the President (United States), with the consent of the Council, invited the

representatives of Croatia and Germany, at their request, to participate in the discussion, without the right to vote. The President then made the following statement on behalf of the Council:⁶⁹

The Security Council expresses its deep concern at the lack of substantial progress by the Government of the Republic of Croatia in fulfilling the conditions and tasks that are key to the transfer of executive authority to the Republic of Croatia in the territories of Eastern Slavonia, Baranja and Western Sirmium, as noted in its resolution 1120 (1997) and the report of the Secretary-General of 23 June 1997.

In this regard, the Council calls upon the Croatian Government to meet its obligations and commitments and to take immediate action in the following areas: to remove all administrative and legal obstacles to the two-way return of all displaced persons as well as to the return of refugees; to ensure security and social and economic opportunity, including property rights, for all returnees; to take effective measures to prevent harassment of returnees; to implement measures to establish effective local government administrations; to ensure the regular payment of benefits to all pension and welfare recipients and open Croatian pension offices in the region; to ensure further economic reintegration; to initiate a countrywide public programme of national reconciliation and curb media attacks on ethnic groups; and to implement fully and fairly the Amnesty Law and cooperate fully with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia. In this context, the Council notes the recent information provided by the Croatian Government on steps intended to address some of these issues and urges the Croatian Government to implement these steps without delay.

The Council emphasizes that the prompt completion of the tasks outlined above, as well as the fulfilment by the Croatian Government of its obligations under the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium, the agreements between the Croatian Government and the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium, as well as the letter from the Croatian Government dated 13 January 1997, will determine the pace of further devolution of executive authority for the civil administration to the Croatian Government as well as further Council action. The Council urges all parties to cooperate fully with the Transitional Administration and looks forward to the report of the Secretary-General due no later than 6 October 1997, as requested in its resolution 1120 (1997).

⁶⁹ S/PRST/1997/45.

**Decision of 20 October 1997 (3824th meeting):
statement by the President**

On 2 October 1997, pursuant to Security Council resolution 1120 (1997), the Secretary-General submitted to the Council a report on all aspects relevant to the peaceful reintegration into Croatia of the region of Eastern Slavonia, Baranja and Western Sirmium.⁷⁰ In his report, the Secretary-General stated that, while Croatia had made significant achievements in the formal and technical aspects of reintegration, such as the reintegration of State institutions, its cooperation in reintegrating the people of the region, as well as implementing agreements important to their long-term rights and welfare, had been less apparent. Of fundamental concern was that no attempt had been made by Croatia to lead and support a national programme of reconciliation and confidence-building. He informed the Council that deficiencies in the cooperation and performance of Croatia had delayed the decision by the Transitional Administrator that conditions had been achieved for the transfer of authority to Croatia, as the first phase of the exit strategy had not been completed. It was the Administrator's view that, while the transfer of authority of the region at that time would jeopardize the achievements made, the Government of Croatia could meet its obligations and commitments, if it applied itself with sufficient diligence in the time remaining. The Secretary-General further informed the Council that in view of the calm and stable military situation in the region, the Transitional Administrator considered that the second phase of the repatriation of the military contingent of UNTAES could start on 15 October and be completed by 15 November. However, because conditions had not yet been achieved to enable the full integration of the Transitional Police Force into the Croatian police force, the existing level of civilian strength would be required at least until 15 January 1998. It was also essential that the number of United Nations military observers remained unchanged. UNTAES would continue close cooperation with OSCE to assist in establishing the intended long-term mission of OSCE in Croatia. He stated that he shared the assessment of the Transitional Administrator that there was sufficient time for Croatia to further improve its performance and to comply fully with its obligations before 15 January

⁷⁰ S/1997/767.

1998, when the Council would need to decide on the future of UNTAES. In conclusion, he underlined that the recent renewed commitment of the Government of Croatia had to be put into practice immediately in order to establish sufficient confidence that the termination of the mandate of UNTAES could be achieved without jeopardizing the results of two years of intensive international investment in the process of peaceful reintegration of the region and its people.

At its 3824th meeting, held on 20 October 1997 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Chile), with the consent of the Council, invited the representatives of Croatia, Germany and Italy, at their request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to letters dated 24 September and 3 October 1997, respectively, from the representative of Croatia addressed to the President of the Security Council.⁷¹

At the same meeting, the President made the following statement on behalf of the Council:⁷²

The Security Council welcomes the report of the Secretary-General of 2 October 1997 on the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium and agrees with its balanced and objective assessment.

The Council notes with approval several positive actions taken by the Government of Croatia which are contained in the report, as well as those which have occurred since the report was issued. These developments include the recent agreements relating to education, progress on the reintegration of the judiciary, the law on convalidation, moves towards recognition of pensioner service, assistance to local governments and municipalities, and provision of documentation on twenty-five war crimes cases to the Transitional Administration. The Council is also encouraged by the increased cooperation with the International Tribunal on the Prosecution of Persons

⁷¹ Letters transmitting the report on the implementation of the letter of intent of 13 January 1997 on the peaceful reintegration of the region under UNTAES administration (S/1997/745) and the Programme of the Government of the Republic of Croatia for the Establishment of Trust, Accelerated Return, and Normalization of Living Conditions in the War-affected Regions of the Republic of Croatia (S/1997/772).

⁷² S/PRST/1997/48.

Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia. The Council expects the Government of Croatia to continue to build upon these positive steps and accelerate its efforts in order fully to complete these initiatives.

The Council welcomes the recent establishment by the Government of Croatia of a programme for national reconciliation. A final assessment of this programme must await its full and prompt implementation.

The Council continues to note with concern that there are still many outstanding areas and issues of contention and non-compliance, which require further, urgent action from the Government of Croatia. The Council reiterates its call upon the Government of Croatia to curb media attacks on ethnic groups. The Council also underlines, in particular, the importance of the removal of all legal and administrative barriers, thus allowing the accelerated voluntary two-way return of displaced persons, including their right to choose to live in the region, as well as the return of refugees. It calls upon the Government of Croatia to give immediate effect to recent decisions of the Constitutional Court regarding the Law on the Temporary Takeover and Administration of Specified Property, and to take further action to promote the safe return of owners to their homes and the resolution of the issue of lost tenancy rights, including ensuring access to reconstruction assistance.

Much progress in these and other outstanding areas must be made on an urgent basis, in order for the Government of Croatia to comply fully with its obligations and create the conditions for a successful completion of the Transitional Administration. For its part, the local Serb population must also take more active measures to participate in the reintegration process.

The Council notes the urgent need for all local government bodies in the region, particularly the City Council of Vukovar, to commence full normal functions immediately.

The Council expresses its concern about the behaviour of some officers of the Transitional Police Force, and urges full cooperation with the Transitional Administration in improving the performance of the Force. The Council approves the intention of the Secretary-General to retain United Nations civilian police and military observers at current levels to the end of the mandate of the Transitional Administration. The Council also notes the need to address concerns relating to the continuation of police monitoring functions.

The Council welcomes the close cooperation between the Transitional Administration and the Organization for Security and Cooperation in Europe in expanding the long-term mission of the latter in Croatia.

The Council shares the assessment of the Secretary-General that there is sufficient time for Croatia to comply fully with its obligations and commitments before 15 January 1998 and urges the Government of Croatia to redouble its efforts in the time remaining. The Council looks forward to the next report

of the Secretary-General on all aspects relevant to the peaceful reintegration of the region, due by the beginning of December.

Decision of 19 December 1997 (3843rd meeting): resolution 1145 (1997)

On 4 December 1997, pursuant to the request of the Security Council expressed in the statement of its President of 20 October 1997,⁷³ the Secretary-General submitted to the Council a report on all aspects relevant to the peaceful reintegration of the region of Eastern Slavonia, Baranja and Western Sirmium and on his recommendations for the future role of the United Nations in the region.⁷⁴ In his report, the Secretary-General stated that, as the period of transitional administration envisaged in the Basic Agreement drew to an end, consensus had developed between the Government of Croatia, local Serb leaders and the Government of the Federal Republic of Yugoslavia on two key points: firstly, that UNTAES had successfully achieved the basic objectives for which it was established and had completed those tasks in its power; and second, that although much had been achieved, full implementation of commitments by Croatia remained incomplete. However, since October, the Government of Croatia had made a major effort to meet those commitments and to reassure its citizens. The Secretary-General stated that those efforts, if sustained, gave hope that the termination of UNTAES on 15 January 1998 would not jeopardize the results of two years of intensive international investment and efforts in the region. He noted that in the vital area of local policing and rule of law, the Government of Croatia had acknowledged that the Transitional Police Force had not yet demonstrated the professional qualities or inter-ethnic cohesion necessary to police the multi-ethnic communities of the region effectively and impartially and had therefore requested the continued presence of United Nations civilian police in the Danube region of Croatia following the end of the UNTAES mandate. The presence of United Nations civilian police would also provide essential reassurance during the period of major two-way population movement, which was expected to continue until September 1998. The Secretary-General also emphasized that, in the post-UNTAES period, many other international organizations would support Croatia

⁷³ S/PRST/1997/48.

⁷⁴ S/1997/953 and Add.1.

by comprehensively monitoring implementation of commitments and providing reassurance to the population of the region. In that connection, he welcomed the deployment throughout Croatia of the long-term missions of OSCE, the increasing involvement of the Commission envisaged under paragraph 11 of the Basic Agreement⁷⁵ and the activities of local and international non-governmental organizations. He expressed his view that UNTAES should complete its work as originally envisaged and therefore recommended the termination of UNTAES on 15 January 1998. He further recommended that the Security Council establish a support group of 180 civilian police monitors whose task would be to continue to monitor the performance of the Croatian police in the Danube region, particularly in connection with the return of displaced persons, and noted that the Government of Croatia had indicated its readiness to provide such a support group with the necessary protection, should the need arise.

At its 3843rd meeting, held on 19 December 1997 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Costa Rica), with the consent of the Council, invited the representatives of Belgium, Croatia, Germany and Italy, at their request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a draft resolution submitted by Belgium, France, Germany, Italy, Japan, Portugal, the Russian Federation, Sweden, the United Kingdom and the United States.⁷⁶ The President further drew the attention of the Council to a letter dated 20 November 1997 from the representative of Croatia addressed to the Secretary-General, transmitting a letter of the same date from the Deputy Prime Minister and Minister for Foreign Affairs of Croatia to the Secretary-General, which accepted the activities of the Civilian Police Support Group with the provision that its presence in Croatia could be shortened in duration, in line with the positive development of the situation in the region.⁷⁷

At the same meeting, the representative of Croatia stated that the success of UNTAES could be seen in many areas, particularly in the documents

programme, the Government spending in the region, the reconciliation programme, the public overtures to the residents of the region, and the notable number of returns. He also stated that, in spite of the many positive elements it contained, the draft resolution overlooked two important issues. The first was that it did not give proper focus with respect to the International Tribunal for the Former Yugoslavia, as paragraph 11 of the resolution called specifically only on Croatia to cooperate with the Tribunal. Although the region "was also occupied for a period of time by Serbia and Montenegro", the resolution failed to mention the Federal Republic of Yugoslavia. In addition, the draft resolution failed to reflect that the former rebels were reintegrating not only into Croatia but also into the vibrant Serb community in Croatia, as a substantial segment of the Serb community had remained to live in Croatia.⁷⁸

The representative of the Russian Federation stated that it was already clear that the fruitfulness of international efforts in the context of UNTAES could only be talked about if there were long-term, full and unconditional adherence by the Government of Croatia to the process of genuine reintegration of people and the achievement of a multi-ethnic reconciliation for all citizens.⁷⁹

The representative of the United States stated that UNTAES, working with the Government of Croatia, had helped to lay a foundation for healing and rebuilding, but that all the commitments, pledges and promises made on both sides had to be made good.⁸⁰

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1145 (1997), which reads:

The Security Council,

Recalling all its relevant resolutions concerning the territories of Eastern Slavonia, Baranja, and Western Sirmium of the Republic of Croatia (the Region),

Reaffirming its commitment to the independence, sovereignty and territorial integrity of the Republic of Croatia, and emphasizing in this regard that the territories of the Region are integral parts of the Republic of Croatia,

⁷⁵ S/1995/951.

⁷⁶ S/1997/990.

⁷⁷ S/1997/913.

⁷⁸ S/PV.3843, pp. 2-4.

⁷⁹ *Ibid.*, pp. 4-5.

⁸⁰ *Ibid.*, p. 5.

Recalling the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium between the Government of the Republic of Croatia and the local Serb community, signed on 12 November 1995, which promotes the mutual confidence, safety and security of all inhabitants of the Region,

Noting the termination of the mandate of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium on 15 January 1998, as envisaged in its resolution 1079 (1996) of 15 November 1996 as well as in the Basic Agreement, and in accordance with its resolution 1120 (1997) of 14 July 1997, and expressing its deep appreciation to the Transitional Administrators for their leadership of the efforts of the United Nations in promoting peace, stability and democracy in the Region, and to the civilian and military personnel of the Transitional Administration for their dedication and achievement in facilitating the peaceful reintegration of the Region into the Republic of Croatia,

Emphasizing the continuing obligation of the Government of the Republic of Croatia, under the Basic Agreement and international conventions, to allow all refugees and displaced persons to return in safety to their homes throughout the Republic of Croatia, and further emphasizing the urgency and importance of the two-way return of all displaced persons in the Republic of Croatia,

Recalling the mandate of the Organization for Security and Cooperation in Europe of 26 June 1997 providing for a continued and reinforced presence of the Organization for Security and Cooperation in Europe in the Republic of Croatia, with a focus on the two-way return of all refugees and displaced persons, the protection of their rights, and the protection of persons belonging to national minorities,

Welcoming the letter dated 20 November 1997 from the Minister for Foreign Affairs of the Republic of Croatia to the Secretary-General requesting a continued presence of United Nations civilian police monitors after the completion of the mandate of the Transitional Administration,

Welcoming also the report of the Secretary-General of 4 December 1997 and the recommendations contained therein, including the recommendation for the establishment of a support group of civilian police monitors,

Stressing that the Croatian authorities bear the main responsibility for the successful completion of the peaceful reintegration of the Region and the true reconciliation of the people,

1. *Notes* that the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium will terminate on 15 January 1998, and expresses its continued full support for the Transitional Administration as it completes its mandate;

2. *Reiterates* the continuing obligation of the Government of the Republic of Croatia, under the Basic Agreement on the Region of Eastern Slavonia, Baranja and

Western Sirmium to respect the highest standards of human rights and fundamental freedoms and to promote an atmosphere of confidence among local residents regardless of ethnic origin, as well as its continuing obligations under international conventions and other agreements in this regard;

3. *Underlines* the fact that it is the Government of the Republic of Croatia and the Croatian police and judicial authorities who bear full responsibility for the security and safeguarding of the civil rights of all residents of the Republic of Croatia, regardless of ethnicity;

4. *Calls upon* the Government of the Republic of Croatia to implement fully and promptly all of its obligations and commitments, including those reached with the Transitional Administration, with regard to the Region;

5. *Stresses* the need for the Government of the Republic of Croatia to pursue the economic revitalization of the Region, and notes, in this respect, the importance of past and future involvement by the international community;

6. *Notes with approval* the recent improved performance of the Government of the Republic of Croatia towards fulfilling its obligations, including the adoption of a comprehensive programme of national reconciliation, and encourages continued progress in this regard;

7. *Reaffirms* the right of all refugees and displaced persons originating from the Republic of Croatia to return to their homes of origin throughout the Republic of Croatia, welcomes the fact that some progress has been made in the peaceful two-way return of displaced persons and the return of refugees in the Region, and calls upon the Government of the Republic of Croatia to remove legal obstacles and other impediments to two-way returns, including through the resolution of property issues, the establishment of straightforward procedures for returns, the adequate funding of the Joint Council and all relevant activities of municipalities, the clarification and full implementation of the Amnesty Law, and other measures, as set out in the report of the Secretary-General;

8. *Reminds* the local Serb community of the continued importance of demonstrating a constructive attitude and participating actively in the process of reintegration and national reconciliation;

9. *Stresses* that the achievement of the long-term goals for the Region established by the Security Council depend upon the commitment of the Government of the Republic of Croatia to the permanent reintegration of its Serb citizens and upon the vigilant and active role of the international community, and in this regard welcomes the key role of the Organization for Security and Cooperation in Europe;

10. *Emphasizes* the role of other international organizations and the United Nations specialized agencies, in particular the Office of the United Nations High Commissioner for Refugees, in the Republic of Croatia;

11. *Reiterates its call* upon all the States in the region, including the Government of the Republic of Croatia, to cooperate fully with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia, and recalls its encouragement by the increased cooperation of the Government of the Republic of Croatia with the Tribunal;

12. *Urges* the Republic of Croatia and the Federal Republic of Yugoslavia to pursue further normalization of their relations, especially in the areas of cross-border confidence-building measures, demilitarization and dual nationality;

13. *Decides* to establish, with effect from 16 January 1998, a support group of 180 civilian police monitors, for a single period of up to nine months as recommended by the Secretary-General, to continue to monitor the performance of the Croatian police in the Danube region, particularly in connection with the return of displaced persons, in accordance with the recommendations contained in paragraphs 38 and 39 of the report of the Secretary-General and in response to the request by the Government of the Republic of Croatia;

14. *Decides also* that the support group will assume responsibility for those Transitional Administration personnel and United Nations-owned assets needed for its use in fulfilment of its mandate;

15. *Requests* the Secretary-General to keep it informed periodically and to report as necessary on the situation, and in any case no later than 15 June 1998;

16. *Reminds* the Government of the Republic of Croatia of its responsibility for the security and freedom of movement of all civilian police monitors and other international personnel, and requests that it provide all necessary support and assistance to the civilian police monitors;

17. *Encourages* liaison between the support group and the Organization for Security and Cooperation in Europe with a view to facilitating a smooth transition of responsibility to that organization;

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

**Decision of 13 January 1998 (3847th meeting):
resolution 1147 (1998)**

On 30 December 1997, pursuant to Security Council resolution 1145 (1998), the Secretary-General submitted to the Council a report on progress made by Croatia and the Federal Republic of Yugoslavia towards a settlement to resolve peacefully their differences in the area.⁸¹ In his report, the Secretary-General observed that the parties had continued to

indicate in their contacts that they retained their divergent interpretations of the Prevlaka dispute, with Croatia seeing it as a security issue and the Federal Republic of Yugoslavia regarding it as a territorial issue. Still he affirmed that the stability which had prevailed in the UNMOP area of responsibility since the establishment of the mission on 1 February 1996 had not been disrupted by any serious incidents and there had been welcome steps of compliance with the practical options proposed by UNMOP, which had served to confirm the lessening of tensions. Furthermore, both parties had continued to reiterate their firm commitment to a negotiated resolution. However, he added that substantive negotiations had not started and neither side had held out the prospect of long-term violations in the United Nations-controlled zone. The Secretary-General underlined that UNMOP played an essential role in maintaining conditions conducive to negotiations and therefore recommended a further six-month extension of the UNMOP mandate until 15 July 1998.

At its 3847th meeting, held on 13 January 1998 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (France), with the consent of the Council, invited the representative of Croatia, at his request, to participate in the discussion without the right to vote. The President also drew the attention of the Council to a draft resolution prepared in the course of the Council's prior consultations.⁸² The President then drew the attention of the Council to a letter dated 12 December 1997 from the representative of the Federal Republic of Yugoslavia addressed to the Secretary-General,⁸³ transmitting a letter dated 12 December 1997 from the President of the Federal Government of the Federal Republic of Yugoslavia, and to a letter dated 22 December 1997 from the representative of Croatia addressed to the Secretary-General,⁸⁴ reiterating their positions on the Prevlaka peninsula.

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1147 (1998), which reads:

⁸² S/1998/16.

⁸³ S/1997/984.

⁸⁴ S/1997/1002.

⁸¹ S/1997/1019.

The Security Council,

Recalling its earlier relevant resolutions, in particular resolutions 779 (1992) of 6 October 1992, 981 (1995) of 31 March 1995, 1025 (1995) of 30 November 1995, 1038 (1996) of 15 January 1996, 1066 (1996) of 15 July 1996, 1093 (1997) of 14 January 1997 and 1119 (1997) of 14 July 1997,

Having considered the report of the Secretary-General of 30 December 1997, and welcoming the positive developments noted therein,

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

Noting again the Joint Declaration signed at Geneva on 30 September 1992 by the Presidents of the Republic of Croatia and the Federal Republic of Yugoslavia, in particular article 3, which reaffirmed their agreement concerning the demilitarization of the Prevlaka peninsula, and emphasizing the contribution that this demilitarization has made to the decrease of tension in the region,

Noting with concern continued long-standing violations of the demilitarization regime in the United Nations designated zones in the region, but welcoming a decrease in the number of violations,

Welcoming the first substantial progress in implementing the practical options proposed by the United Nations military observers in May 1996, as referred to in the report of the Secretary-General of 31 December 1996,

Noting with concern that there has been no progress towards a settlement of the disputed issue of Prevlaka through mutual negotiations,

Recalling the Agreement on Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia, signed in Belgrade on 23 August 1996, committing the parties to settle peacefully the disputed issue of Prevlaka by negotiations in the spirit of the Charter of the United Nations and good neighbourly relations, and stressing the need for the Republic of Croatia and the Federal Republic of Yugoslavia to agree on a settlement which would peacefully resolve their differences,

Noting that the presence of the United Nations military observers continues to be essential to maintain conditions that are conducive to a negotiated settlement of the disputed issue of Prevlaka,

1. *Authorizes* the United Nations military observers to continue monitoring the demilitarization of the Prevlaka peninsula, in accordance with resolutions 779 (1992) and 981 (1995) and paragraphs 19 and 20 of the report of the Secretary-General of 13 December 1995, until 15 July 1998;

2. *Welcomes* steps taken by the parties in adopting the practical options proposed by United Nations military observers to reduce tension and improve safety and security in the area,

and calls upon the parties to make further progress in this regard;

3. *Reiterates its call* upon the parties to cease all violations of the demilitarization regime in the United Nations designated zones, to cooperate fully with the United Nations military observers and to ensure their safety and freedom of movement;

4. *Urges* the parties to abide by their mutual commitments and to implement fully the Agreement on Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia of 23 August 1996;

5. *Expresses its support* for the commitment by the parties to a negotiated resolution of the disputed issue of Prevlaka in accordance with article 4 of the agreement mentioned in paragraph 4 above;

6. *Urges* the parties to take concrete steps towards a negotiated resolution of the disputed issue of Prevlaka in good faith and without delay;

7. *Requests* the Secretary-General to submit to the Council by 5 July 1998 a report on the situation in the Prevlaka peninsula and, in particular, on progress made by the Republic of Croatia and the Federal Republic of Yugoslavia towards a settlement which would peacefully resolve their differences;

8. *Requests* the United Nations military observers and the multinational Stabilization Force authorized by the Council in resolution 1088 (1996) of 12 December 1996 to cooperate fully with each other;

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

**Decision of 13 February 1998 (3854th meeting):
statement by the President**

On 22 January 1998, pursuant to Security Council resolutions 1120 (1997) and 1145 (1997), the Secretary-General submitted to the Council a report on the situation in the region of Eastern Slavonia, Baranja and Western Sirmium.⁸⁵ In his report, the Secretary-General observed that progress had continued to be made on a range of issues and that the Government had displayed commendable energy and commitment in the conduct of its comprehensive programme for national reconciliation. Nevertheless, several key issues had remained unresolved, including property-related issues, tenancy rights, funding for the Joint Council of Municipalities, and full implementation of the Amnesty Law. He stressed that the lack of progress on those commitments could have serious implications. Critical to sustaining progress would be the role of the

⁸⁵ S/1998/59.

international community and Croatia's bilateral partners. In that regard, he welcomed the key role that would be played by the Organization for Security and Cooperation in Europe, and suggested that the Security Council might wish to consider inviting the Chairman-in-Office of OSCE to keep the United Nations regularly informed of relevant developments in the mission area. He also noted that Croatia's request for further United Nations police assistance demonstrated the political will to complete the process of peaceful reintegration. He affirmed that the United Nations Civilian Police Support Group would work closely with the Government of Croatia to monitor police operations in the Danube region and to improve the professional qualities of the multi-ethnic police force. That commitment, and the support of the international community, would ensure that the region was policed effectively and impartially, thereby facilitating the vital process of two-way returns of displaced persons.

At its 3854th meeting, held on 13 February 1998 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Gabon), with the consent of the Council, invited the representative of Croatia, at his request, to participate in the discussion without the right to vote.

At the same meeting, the President made the following statement on behalf of the Council:⁸⁶

The Security Council welcomes the successful completion of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium, as described in the report of the Secretary-General of 22 January 1998. The experience of this multifunctional operation may be useful for similar situations in the future.

The Council commends the commitment shown by the Government of the Republic of Croatia to the implementation of its comprehensive programme of national reconciliation, and stresses the need for continued progress in this regard. The Council is also encouraged by signs of increasing participation in Croatian political life by the region's ethnic Serb citizens, and underlines the importance of continued efforts by the Government of the Republic of Croatia to ensure full participation by the Serb minority in the political life of the country, including through urgent funding of the Joint Council of Municipalities.

⁸⁶ S/PRST/1998/3.

The Council notes that, despite the positive conclusion of the Transitional Administration and the efforts of the Government of the Republic of Croatia, including its request for the establishment of the civilian police support group, much remains to be done. The Government of the Republic of Croatia remains responsible for the rights and safety of members of all ethnic groups within the Republic of Croatia and bound by its obligations and commitments under the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium and other international agreements. In this regard, the Council calls upon the Government of the Republic of Croatia to intensify its efforts to promote full reintegration of the region, in particular to resolve property issues and other problems which are hindering the return of refugees and displaced persons, to protect human rights, including by taking action against harassment, to address in full uncertainties about the implementation of the Amnesty Law and to take measures to improve public confidence in the Croatian police.

In this context, the Council emphasizes the key role of the Organization for Security and Cooperation in Europe throughout the Republic of Croatia, including in the Danubian region. The Council strongly supports the closest possible cooperation between the United Nations and the Organization for Security and Cooperation in Europe, in particular between the mission of that organization and the support group and other United Nations offices and agencies in the Republic of Croatia, as envisaged by the Secretary-General, and, to that end, encourages the support group and the mission to keep each other fully informed.

The Council pays tribute to the dedicated men and women of the Transitional Administration and, in particular, expresses its appreciation to the Transitional Administrators and the Force Commanders for their leadership of the mission of the Transitional Administration.

**Decision of 6 March 1998 (3859th meeting):
statement by the President**

At its 3859th meeting, held on 6 March 1998 in accordance with the understanding reached in its prior consultations, the President (Gambia), with the consent of the Council, invited the representative of Croatia, at his request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a letter dated 26 February from the representative of the Federal Republic of Yugoslavia addressed to the President of the Security Council,⁸⁷ transmitting an aide-mémoire issued on 25 February 1998 by the Federal Ministry of Foreign Affairs of the Federal Republic of Yugoslavia, which outlined worrisome negative developments that were continuing

⁸⁷ S/1998/161.

to take place in the region of Eastern Slavonia, Baranja and Western Sirmium leading to an exodus of Serbs on an ever larger scale and jeopardizing the results of the United Nations mission. The President also drew the attention of the Council to a letter dated 5 March 1998 from the representative of Croatia addressed to the President of the Security Council, which transmitted an aide-mémoire giving the views of Croatia on the situation in the Eastern Slavonia region.⁸⁸

At the same meeting, the President made the following statement on behalf of the Council:⁸⁹

The Security Council expresses its concern at the Croatian Government's lack of compliance with obligations assumed under the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium, the letter from the Croatian Government dated 13 January 1997 and the agreement of 23 April 1997 between the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium, the Office of the United Nations High Commissioner for Refugees and the Croatian Government concerning the return of refugees and displaced persons. The Council notes that the overall security situation in the Danube region remains relatively stable, but is particularly concerned about the increasing incidence of harassment and intimidation of the local Serb community in the region and the failure of the Croatian Government to apply the process of national reconciliation in an effective way at the local level. This worrying situation, together with recent statements by the Croatian authorities, cast doubt upon the commitment of the Republic of Croatia to include ethnic Serbs and persons from other minorities as full and equal members of Croatian society.

The Council, recalling the statement by its President of 13 February 1998 and having taken note of the letter dated 5 March 1998 from the Permanent Representative of the Republic of Croatia to the United Nations, calls upon the Croatian Government publicly to reaffirm and by its actions to demonstrate its commitment to fulfilling its obligations under the Basic Agreement and other agreements in full, including through progress on national reconciliation at every level. In particular, the Council calls upon the Croatian Government to take prompt and unequivocal steps to ensure the safety, security and rights of all Croatian citizens and to build confidence among the Serb community throughout Croatia, including by providing promised funding for the Joint Council of Municipalities. These steps should include measures to create the conditions to allow local Serbs to remain in the region, to facilitate the return of refugees and displaced persons and to address underlying practical and economic issues which inhibit returns. The Council calls upon the Croatian Government to establish clear procedures for the documentation of refugees from Croatia; to

⁸⁸ S/1998/197.

⁸⁹ S/PRST/1998/6.

issue an equitable plan for nationwide two-way returns; to implement fully and fairly its legislation on amnesty; to act promptly to pass equitable property and tenancy rights legislation which would encourage returns and stimulate additional international reconstruction assistance; to ensure fair employment benefit practices and equal economic opportunity; and to ensure the non-discriminatory application of the rule of law.

The Council recognizes that, since the end of the mandate of the Transitional Administration, the performance of the Croatian police has been generally satisfactory, and in this context it expresses its appreciation and support for the work of the United Nations civilian police support group. The Council notes, however, that public confidence in the police is low. The Council calls upon the Croatian Government to take measures, including through public information and police preventive action, to improve public confidence in the police as part of a wider programme of measures to prevent ethnically motivated crime and ensure the protection and equal treatment of all Croatian citizens, regardless of ethnicity.

The Council stresses that, following the termination of the Transitional Administration, responsibility for the full reintegration of the Danube region lies clearly with the Croatian Government. The United Nations will continue to work closely with the Organization for Security and Cooperation in Europe in monitoring the situation and reminding the Croatian Government of its obligations.

**Decision of 2 July 1998 (3901st meeting):
statement by the President**

On 11 June 1998, pursuant to Security Council resolution 1145 (1997), the Secretary-General submitted to the Council an overview of the activities of the United Nations Civilian Police Support Group and an assessment of the situation in the region following the termination of the United Nations Transitional Authority for Eastern Slavonia, Baranja and Western Sirmium on 15 January 1998.⁹⁰ In his report, the Secretary-General observed that there had been progress on a number of issues that remained outstanding at the end of the UNTAES mandate, but core issues, including the abolishment of discriminatory property laws and the establishment of an effective mechanism that would allow owners to recover their property, remained unresolved. The Government of Croatia also still had to adopt a comprehensive nationwide programme for returns and to develop a balanced reconstruction plan. Provided that the Government took major steps to resolve those

⁹⁰ S/1998/500.

problems, that the return of Croat displaced persons to the region proceeded without increased ethnic incidents and that the police performance continued to improve, it would be his intention to downsize the Support Group operation gradually beginning in August 1998, with the goal of reaching a level of 140 civilian police monitors by the end of that month and a level of 120 by the end of September. In the meantime, he had instructed his Representative to establish a timetable for the handover of the functions of the Support Group to the Organization for Security and Cooperation in Europe, in the expectation that the Permanent Council of that organization would confirm its readiness to assume responsibility for police monitoring in the region from 16 October 1998.

At its 3901st meeting, held on 2 July 1998 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Russian Federation), with the consent of the Council, invited the representative of Croatia, at her request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a letter dated 29 June 1998 from the representative of Croatia addressed to the President of the Security Council, transmitting the text of the Programme for the Return and Accommodation of Displaced Persons, Refugees and Exiled Persons, adopted by the State Parliament of Croatia on 26 June 1998.⁹¹

At the same meeting, the President made the following statement on behalf of the Council:⁹²

The Security Council has considered the report of the Secretary-General of 11 June 1998 pursuant to its resolution 1145 (1997) of 19 December 1997.

The Council notes that the overall security situation in the Danube region is relatively stable. It also notes that the generally satisfactory performance of the Croatian police in the region is largely due to comprehensive monitoring by the United Nations Police Support Group and the special attention paid to the situation by the Ministry of the Interior of the Republic of Croatia. However, the Council is concerned that, despite the large presence of the Croatian police, ethnically related incidents, evictions and housing intimidation cases have not been stopped, and that such incidents have increased in the recent period.

The Council expresses its grave concern that a large number of Serb residents and displaced persons have emigrated from the Republic of Croatia since late 1996, mainly because of continued security incidents, ethnically related intimidation, a dire economic situation, bureaucratic hurdles, discriminatory legislation and a stalled return programme. A continuation of this trend could have a seriously negative effect on the restoration of a multi-ethnic society in the Republic of Croatia. The Council, therefore, welcomes the adoption by the Government of Croatia, on 26 June 1998, of a nationwide programme for the return and accommodation of displaced persons, refugees and exiled persons and calls for its prompt and full implementation at all levels, including the abolition of discriminatory property laws and the establishment of effective mechanisms allowing owners to recover their property. It stresses the importance of the prompt and full implementation of the programme on reconciliation at all levels throughout Croatia and of preventing and responding to incidents of harassment and unlawful evictions.

The Council reiterates the continuing obligations of the Government of Croatia under the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium as well as under international conventions and other agreements. It notes with satisfaction that the Government of Croatia has met the majority of its obligations concerning the provision of public services and employment within the public sector, set out in the Basic Agreement. The Council, however, reiterates that a number of obligations have yet to be fulfilled in such areas as the implementation of the Convalidation Law and the Amnesty Law, the functioning of local municipalities and the permanent funding of the Joint Council of Municipalities. In this regard, the Council stresses the significance of the Article 11 Commission, formed under the provisions of article 11 of the Basic Agreement, as a key instrument in encouraging the Government of Croatia to meet its obligations fully and in underscoring continued international commitment to the successful completion of peaceful reintegration.

The Council calls upon the Government of Croatia to improve police response to ethnically related incidents, evictions and housing intimidation cases and to take other measures to strengthen public confidence in the police, including through public information and police preventive action. In this context, the Council stresses the importance of the implementation of the guidelines issued by the Ministry of the Interior on 9 January 1998 and the institution of a community policing programme by the Ministry.

The Council fully supports the activities of the United Nations Police Support Group and the United Nations Liaison Office in Zagreb. It welcomes the decision of 25 June 1998 of the Permanent Council of the Organization for Security and Cooperation in Europe to deploy civilian police monitors to assume, from 15 October 1998, the responsibilities of the Support Group. It also welcomes the invitation by the representative of the Secretary-General to the head of the mission of the Organization for Security and Cooperation in Europe in Croatia to begin planning for the intended transfer of

⁹¹ S/1998/589.

⁹² S/PRST/1998/19.

the police monitoring function in the region to that organization. It supports the establishment of a timetable for the handover of the functions of the Support Group to the organization and agrees with the intention of the Secretary-General to reduce gradually the number of civilian police monitors, under the conditions specified in his report. The Council looks forward to a report by the Secretary-General by mid-September detailing the arrangements for the termination of the mandate of the Support Group by 15 October 1998.

**Decision of 15 July 1998 (3907th meeting):
resolution 1183 (1998)**

On 26 June 1998, pursuant to paragraph 7 of Security Council resolution 1147 (1998), the Secretary-General submitted to the Council a report on progress made by Croatia and the Federal Republic of Yugoslavia towards a settlement that would peacefully resolve their differences.⁹³ In his report, the Secretary-General observed that the stability in the UNMOP area of responsibility had not been disrupted by any serious incidents. However, there were also no signs that both parties would cease the continuing violations of the demilitarization regime in the two United Nations-designated zones, which constituted an irritant in the relations between UNMOP and local authorities. He emphasized that UNMOP was assisting in resolving disputes that could lead to a rise in tension, including an increasing number of civilian difficulties, and had avoided any steps that would prejudice the outcome of bilateral political negotiations. He further noted that the parties had retained their divergent interpretations of the Prevlaka dispute although, for the first time, a formal proposal for the settlement of the issue had been presented. Meanwhile, since UNMOP played an essential role in maintaining conditions conducive to negotiations, he recommended a further six-month extension of the UNMOP mandate until 15 January 1999.

At its 3907th meeting, held on 15 July 1998 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (the Russian Federation), with the consent of the Council, invited the representatives of Croatia, Germany and Italy, at their request, to participate in the discussion without the right to vote. The President then drew the attention

⁹³ S/1998/578.

of the Council to a draft resolution submitted by France, Germany, Italy, Japan, Portugal, the Russian Federation, Slovenia, Sweden, the United Kingdom and the United States.⁹⁴ The President further drew the attention of the Council to the following letters from the representative of Croatia: a letter dated 18 June 1998 addressed to the President of the Security Council, transmitting the Croatian draft text for an agreement between Croatia and the Federal Republic of Yugoslavia on a permanent solution to the security issue of Prevlaka,⁹⁵ and letters addressed to the President of the Security Council dated 29 June 1998 and 8 July 1998, respectively, expressing support for bilateral negotiations with a view to resolving security issues in Prevlaka, but stressing that Croatia could not support negotiations aimed at changing internationally recognized borders.⁹⁶ The President also drew the attention of the Council to letters addressed to the President of the Security Council dated 30 June and 10 July 1998, respectively, from the Federal Republic of Yugoslavia,⁹⁷ transmitting a letter from the President of the Republic concerning the extension of the mandate of the UNMOP and a draft agreement between the Federal Republic of Yugoslavia and Croatia on the permanent settlement of the disputed issue of Prevlaka with an explanatory note.

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1183 (1998), which reads:

The Security Council,

Recalling all its earlier relevant resolutions, in particular resolutions 779 (1992) of 6 October 1992, 981 (1995) of 31 March 1995 and 1147 (1998) of 13 January 1998,

Having considered the report of the Secretary-General of 26 June 1998, and noting the positive assessment in the report of the Secretary-General of recent developments, including the initiative by the Republic of Croatia for a final resolution of the disputed issue of Prevlaka,

Noting the proposal by the Federal Republic of Yugoslavia on the permanent settlement of the disputed issue of Prevlaka,

Reaffirming once again its commitment to the independence, sovereignty and territorial integrity of the

⁹⁴ S/1998/642.

⁹⁵ S/1998/533.

⁹⁶ S/1998/589 (see also decision of 2 July 1998) and S/1998/617.

⁹⁷ S/1998/593 and S/1998/632.

Republic of Croatia within its internationally recognized borders,

Noting again the Joint Declaration signed at Geneva on 30 September 1992 by the Presidents of the Republic of Croatia and the Federal Republic of Yugoslavia, in particular article 3, which reaffirmed their agreement concerning the demilitarization of the Prevlaka peninsula, and emphasizing the contribution that this demilitarization has made to the decrease of tension in the region,

Concerned, however, at the continued long-standing violations of the demilitarization regime in the United Nations designated zones in the region and the failure of the parties to improve their compliance with the demilitarization regime as recommended by the United Nations Mission of Observers in Prevlaka, including important demining activities within the demilitarized area, and by continued restrictions on the freedom of movement of its personnel within their area of responsibility,

Recalling the Agreement on Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia, signed in Belgrade on 23 August 1996, committing the parties to settle peacefully the disputed issue of Prevlaka by negotiations in the spirit of the Charter of the United Nations and good-neighbourly relations, and deeply concerned at the lack of significant progress towards such a settlement,

Noting that the presence of the United Nations military observers continues to be essential to maintain conditions that are conducive to a negotiated settlement of the disputed issue of Prevlaka,

1. *Authorizes* the United Nations military observers to continue monitoring the demilitarization of the Prevlaka peninsula, in accordance with resolutions 779 (1992) and 981 (1995) and paragraphs 19 and 20 of the report of the Secretary-General of 13 December 1995, until 15 January 1999;

2. *Calls upon* the parties to take further steps to reduce tension and improve safety and security in the area;

3. *Reiterates its call* upon the parties to cease all violations of the demilitarization regime in the United Nations designated zones, to cooperate fully with the United Nations military observers and to ensure their safety and full and unrestricted freedom of movement, and calls upon them to complete promptly the demining of the area;

4. *Urges* the parties to abide by their mutual commitments and to implement fully the Agreement on Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia of 23 August 1996, in particular their commitment to reach a negotiated resolution of the disputed issue of Prevlaka in accordance with article 4 of the Agreement, and calls upon them to engage promptly and constructively in negotiations;

5. *Requests* the Secretary-General to submit to the Council by 15 October 1998 a report on the situation in the Prevlaka peninsula and in particular on progress made by the

Republic of Croatia and the Federal Republic of Yugoslavia towards a settlement which would peacefully resolve their differences, and, in this context, on the possible adaptation of the United Nations Mission of Observers in Prevlaka;

6. *Requests* the United Nations military observers and the multinational Stabilization Force authorized by the Council in resolution 1088 (1996) of 12 December 1996 and extended by resolution 1174 (1998) of 15 June 1998 to cooperate fully with each other;

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

Decision of 6 November 1998 (3941st meeting): statement by the President

On 27 October 1998, pursuant to Security Council resolution 1145 (1997), the Secretary-General submitted to the Council a final report on the United Nations Civilian Police Support Group.⁹⁸ In his report, the Secretary-General informed the Council that the mandate of the Support Group had been fully completed and had come to an end on 15 October 1998. The Organization for Security and Cooperation in Europe had taken over police monitoring responsibilities on the following day. The overall security situation in the region remained satisfactory, although there continued to be a worrying trend of ethnically motivated incidents. Police performance had improved notably since the beginning of the mandate of the Support Group and the Government had taken steps to ensure that performance continued to improve.

At its 3941st meeting, held on 6 November 1998 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (United States), with the consent of the Council, invited the representative of Croatia, at his request, to participate in the discussion without the right to vote.

At the same meeting, the President made the following statement on behalf of the Council:⁹⁹

The Security Council welcomes the final report of the Secretary-General on the United Nations Police Support Group and, in particular, his description of the successful conclusion of the mandate of the Support Group and the smooth transition of responsibilities to the police monitoring programme of the Organization for Security and Cooperation in Europe. The

⁹⁸ S/1998/1004.

⁹⁹ S/PRST/1998/32.

Council recalls the commitment of the Government of Croatia to ensure that police monitors of the Organization for Security and Cooperation in Europe will have the same access to police stations, documents and police operations, including investigations and checkpoints, as that accorded to the Support Group.

While the overall security situation in the Danube region remains satisfactory and police performance has improved notably and the Government of Croatia has taken steps to ensure that this continues, a worrying trend of ethnically motivated incidents persists in the region. The Council remains deeply concerned at the continuing departures of Serb residents, resulting to a considerable extent from these incidents. In this context, the Council is mindful of the importance of economic revitalization and reconstruction in creating an environment for sustained returns. The Council calls upon the Government of Croatia to make every effort to enhance public confidence in the police force and to recommit itself fully to the process of reconciliation between ethnic groups.

The Council also calls upon the Government of Croatia to address the perceived lack of security, which is contributing to continuing departures of Serbs from the region, and to remedy a number of problems that are preventing the full implementation of the "Programme for the Return and Accommodation of Displaced Persons, Refugees and Exiled Persons". While noting that in his previous report the Secretary-General recognized progress in the implementation of the Programme, the Council calls upon the Government of Croatia promptly and fully to address all unresolved issues, which include restitution of property to Croatian citizens of Serb ethnicity, harmonization of legislation with the provisions of the return programme to enable non-discriminatory implementation, effective functioning of all housing commissions, equal access to reconstruction funding, restoration of rights to socially owned apartments, access to information, removal of impediments to the acquisition of documents needed for returnee status and benefits, and implementation of the Convalidation Law.

The Council expresses particular concern about the Joint Council of Municipalities, which represents all Serb ethnic communities in the region and which is described by the Secretary-General as being on the brink of collapse. The Council reiterates the continuing obligations of the Government of Croatia under the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium as well as under international conventions and other agreements, and, in this context, stresses the importance of full implementation of the "Programme for the Establishment of Trust, Accelerated Return and Normalization of Living Conditions in the War-Affected Regions of the Republic of Croatia".

The Council expresses its full support for the Organization for Security and Cooperation in Europe, which has now assumed the role of the Support Group, and looks forward to being kept informed, whenever necessary, of relevant developments in the Danube region of Croatia.

The Council expresses its deep appreciation to all the men and women who participated in the United Nations peacekeeping operations in the Danube region of Croatia. Their dedication and perseverance made a significant contribution to regional peace.

**Decision of 15 January 1999 (3966th meeting):
resolution 1222 (1999)**

On 6 January 1999, pursuant to Security Council resolution 1183 (1998), the Secretary-General submitted to the Council a report on the United Nations Mission of Observers in Prevlaka.¹⁰⁰ In his report, the Secretary-General noted that the continued stability of the area, under monitoring of the United Nations military observers, had contributed to a constructive atmosphere in which discussions were continuing although it would be premature to conclude that a final agreement between the parties was close at hand. He recommended that, in the light of the pivotal role of UNMOP in ensuring the maintenance of an atmosphere in which serious negotiations could proceed and, given the current status of negotiations between the parties, the mandate of the Mission be extended for six months, until 15 July 1999, without change to its current concept of operations. He also noted that, in the event that the parties were unable to resolve their dispute or make substantial progress during that time, the Security Council might wish to consider alternative mechanisms, such as international mediation or arbitration, in the search for a solution to the dispute.

At its 3966th meeting, held on 15 January 1999 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Brazil), with the consent of the Council, invited the representatives of Croatia, Germany and Italy, at their request, to participate in the discussion without the right to vote. The President then drew the attention of members of the Council to a draft resolution submitted by Canada, France, Germany, Italy, the Netherlands, the Russian Federation, the United Kingdom and the United States.¹⁰¹ The President further drew the attention of the Council to a letter dated 24 December 1998 from the representative of the Federal Republic of Yugoslavia addressed to the President of the Security

¹⁰⁰ S/1999/16.

¹⁰¹ S/1999/39.

Council, transmitting a letter of the same date from the President of the Federal Government of the Federal Republic of Yugoslavia addressed to the President of the Security Council, requesting the extension of the mandate of UNMOP for an additional period of six months, and a memorandum on the negotiating position of the Federal Republic of Yugoslavia in connection with the region of Prevlaka and the preservation of the security system of the United Nations.¹⁰² The President also drew the attention of the Council to a letter dated 7 January 1999 from the representative of Croatia addressed to the President of the Security Council, requesting the Security Council to press the Federal Republic of Yugoslavia to engage in constructive negotiations regarding the Prevlaka peninsula.¹⁰³

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1222 (1999) which reads:

The Security Council,

Recalling all its earlier relevant resolutions, in particular resolutions 779 (1992) of 6 October 1992, 981 (1995) of 31 March 1995, 1147 (1998) of 13 January 1998 and 1183 (1998) of 15 July 1998,

Having considered the report of the Secretary-General of 6 January 1999 on the United Nations Mission of Observers in Prevlaka,

Recalling the letter dated 24 December 1998 from the Prime Minister of the Federal Republic of Yugoslavia and the letter dated 7 January 1999 from the Permanent Representative of Croatia to the United Nations, concerning the disputed issue of Prevlaka,

Reaffirming once again its commitment to the independence, sovereignty and territorial integrity of the Republic of Croatia within its internationally recognized borders,

Taking note once again of the Joint Declaration signed at Geneva on 30 September 1992 by the Presidents of the Republic of Croatia and the Federal Republic of Yugoslavia, in particular articles 1 and 3, the latter reaffirming their agreement concerning the demilitarization of the Prevlaka peninsula,

Noting with concern, however, that long-standing violations of the demilitarization regime by both parties continue, including the standing presence of Yugoslav military personnel and the occasional presence of Croatian military elements in the demilitarized zone, and limitations placed on the

free movement of United Nations military observers by both parties,

Welcoming, in this regard, the recent lifting of certain restrictions on access for the Mission by Croatia, as well as the recent steps taken by the Croatian authorities to improve communication and coordination with the Mission to allow it to monitor more effectively the situation in its area of responsibility,

Welcoming also the Croatian willingness to open crossing points between Croatia and the Federal Republic of Yugoslavia (Montenegro) in the demilitarized zone, which has led to considerable civilian traffic in both directions and which represents a significant confidence-building measure in the normalization of relations between the two parties, and expressing the hope that further such openings will help to increase such civilian traffic,

Noting with approval the continuing bilateral negotiations between the parties pursuant to the Agreement on Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia of 23 August 1996, but expressing serious concern that such negotiations have not yet resulted in any substantive progress towards a settlement of the disputed issue of Prevlaka,

Reiterating its call upon the parties urgently to put in place a comprehensive demining programme,

Noting that the presence of the United Nations military observers continues to be essential to maintain conditions that are conducive to a negotiated settlement of the disputed issue of Prevlaka,

1. *Authorizes* the United Nations military observers to continue monitoring the demilitarization of the Prevlaka peninsula, in accordance with resolutions 779 (1992) and 981 (1995) and paragraphs 19 and 20 of the report of the Secretary-General of 13 December 1995, until 15 July 1999;

2. *Welcomes* the improvement in cooperation between the Republic of Croatia and the Federal Republic of Yugoslavia and the United Nations military observers and the decrease in the number of serious incidents, and reiterates its call upon the parties to cease all violations of the demilitarization regime in the United Nations designated zones, to take steps further to reduce tension and improve safety and security in the area, to cooperate fully with the United Nations military observers and to ensure their safety and full and unrestricted freedom of movement;

3. *Requests* the Secretary-General, in the light of the improved cooperation and reduction in tensions in Prevlaka as described in his report, to consider possible reductions, without prejudice to the main operational activities of the United Nations Mission of Observers in Prevlaka, focusing on the possibility of reducing the number of military observers to as few as twenty-two, in line with the reconsideration of the concept of operations of the Mission and the existing security

¹⁰² S/1998/1225.

¹⁰³ S/1999/19.

regime and the desirability of closing the Mission when appropriate;

4. *Also requests* the Secretary-General to submit a report by 15 April 1999 on the progress of bilateral negotiations between the parties, as well as on possible ways to facilitate a negotiated settlement, should the parties require such assistance, and to this end requests the parties to report at least bimonthly to the Secretary-General on the status of the negotiations;

5. *Urges once again* that the parties abide by their mutual commitments and implement fully the Agreement on Normalization of Relations, and stresses in particular the urgent need for them to fulfil rapidly and in good faith their commitment to reach a negotiated resolution of the disputed issue of Prevlaka in accordance with article 4 of the Agreement;

6. *Requests* the United Nations military observers and the multinational Stabilization Force authorized by the Council in resolution 1088 (1996) of 12 December 1996 and extended by resolution 1174 (1998) of 15 June 1998 to cooperate fully with each other;

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

**Decision of 15 July 1999 (4023rd meeting):
resolution 1252 (1999)**

On 8 July 1999, pursuant to Security Council resolution 1222 (1999), the Secretary-General submitted to the Council a report on the progress of bilateral negotiations between Croatia and the Federal Republic of Yugoslavia to resolve the disputed issue of Prevlaka, as well as on possible ways to facilitate a negotiated settlement, should the parties require such assistance.¹⁰⁴ In his report, the Secretary-General stated that the situation in the UNMOP area of responsibility had remained relatively calm, although tensions were heightened for a time following the commencement of NATO military action against the Federal Republic of Yugoslavia on 24 March 1999. Still, violations of both the demilitarized and United Nations-controlled zones persisted during the period under review and United Nations military observers had not been able to patrol fully or freely in the UNMOP area of responsibility on either the Croatian or the Yugoslav side. The Secretary-General expressed his disappointment that there had not been substantive progress in the talks between the two parties. He suggested that, while the two parties were alone responsible for reaching a satisfactory and enduring resolution, alternative mechanisms could also be considered as means of assisting the parties to implement, in practical terms, their stated intent to resolve the Prevlaka dispute peacefully. Furthermore, he added that the Council might wish to reassess the

¹⁰⁴ S/1999/764.

state of the negotiations after three months, on the basis of regular reports by the parties as originally requested in resolution 1222 (1999), and that it would be useful if the parties reported after each round of talks to facilitate the process. Given the importance of ensuring that the situation on the ground remained stable and as free of tension as possible, and in order to maintain conditions of stability within which political negotiations would have the greatest possible chance of success, the Secretary-General recommended that the UNMOP mandate be extended for a further six-month period, until 15 January 2000, without any changes to its current concept of operations.

At its 4023rd meeting, held on 15 July 1999 in accordance with the understanding reached in its prior consultations, the Security Council included the report of the Secretary-General in its agenda. Following the adoption of the agenda, the President (Malaysia), with the consent of the Council, invited the representatives of Croatia, Germany and Italy, at their request, to participate in the discussion without the right to vote. The President then drew the attention of the Council to a draft resolution submitted by Canada, France, Germany, Italy, the Netherlands, the Russian Federation, the United Kingdom, and the United States, which, in accordance with the understanding reached in the Council's prior consultations, had become a presidential text.¹⁰⁵ The President further drew the attention of the Council to the following documents: letters dated 15 March, 2 May, 25 June and 13 July 1999, respectively, from the representative of Croatia addressed to the President of the Security Council; and letters dated 23 March, 27 April, 10 May, 18 June and 7 July 1999, respectively, from the representative of the Federal Republic of Yugoslavia addressed to the President of the Security Council, detailing the positions of each side on the issue of the Prevlaka peninsula and recent developments.¹⁰⁶

At the same meeting, the draft resolution was put to the vote and adopted unanimously as resolution 1252 (1999), which reads:

The Security Council,

Recalling all its earlier relevant resolutions, in particular resolutions 779 (1992) of 6 October 1992, 981 (1995) of

¹⁰⁵ S/1999/785.

¹⁰⁶ Croatia: S/1999/291, S/1999/501, S/1999/719 and S/1999/783; Federal Republic of Yugoslavia: S/1999/313, S/1999/480, S/1999/546, S/1999/697 and S/1999/760.

31 March 1995, 1147 (1998) of 13 January 1998, 1183 (1998) of 15 July 1998 and 1222 (1999) of 15 January 1999,

Having considered the report of the Secretary-General of 8 July 1999 on the United Nations Mission of Observers in Prevlaka,

Recalling the letter to the President of the Security Council dated 18 June 1999 from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations and the letter dated 25 June 1999 from the Permanent Representative of Croatia to the United Nations, concerning the disputed issue of Prevlaka,

Reaffirming once again its commitment to the independence, sovereignty and territorial integrity of the Republic of Croatia within its internationally recognized borders,

Noting once again the Joint Declaration signed at Geneva on 30 September 1992 by the Presidents of the Republic of Croatia and the Federal Republic of Yugoslavia, in particular articles 1 and 3, the latter reaffirming their agreement concerning the demilitarization of the Prevlaka peninsula,

Reiterating its concern that long-standing violations of the demilitarization regime by both parties continue, including the standing presence of military personnel of the Federal Republic of Yugoslavia military personnel and the occasional presence of Croatian military elements in the demilitarized zone, and limitations placed on the free movement of United Nations military observers by both parties,

Expressing its concern about more recent, additional violations of the demilitarized zone, in particular the presence there of troops of the Federal Republic of Yugoslavia,

Noting with satisfaction that the opening of crossing points between Croatia and the Federal Republic of Yugoslavia (Montenegro) in the demilitarized zones continues to facilitate civilian and commercial traffic in both directions without security incidents and continue to represent a significant confidence-building measure in the normalization of relations between the two parties, and urging the parties to utilize these openings as a basis for further confidence-building measures to achieve the normalization of relations between them,

Reiterating its serious concerns about the lack of substantive progress towards a settlement of the disputed issue of Prevlaka in the continuing bilateral negotiations between the parties pursuant to the Agreement on Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia of 23 August 1996, and calling upon the parties to resume discussions,

Reiterating its call upon the parties urgently to put in place a comprehensive demining programme,

Commending the role played by the Mission, and noting also that the presence of the United Nations military observers continues to be essential to maintain conditions that are

conducive to a negotiated settlement of the disputed issue of Prevlaka,

1. *Authorizes* the United Nations military observers to continue monitoring the demilitarization of the Prevlaka peninsula, in accordance with resolutions 779 (1992) and 981 (1995) and paragraphs 19 and 20 of the report of the Secretary-General of 13 December 1995, until 15 January 2000;

2. *Reiterates its call upon* the parties to cease all violations of the demilitarization regime in the United Nations designated zones, to take steps further to reduce tension and to improve safety and security in the area, to cooperate fully with the United Nations military observers and to ensure their safety and full and unrestricted freedom of movement;

3. *Requests* the Secretary-General to report by 15 October 1999 with recommendations and options further to develop confidence-building measures between the parties aimed, inter alia, at further facilitating freedom of movement of the civilian population;

4. *Urges once again* that the parties abide by their mutual commitments and implement fully the Agreement on Normalization of Relations, and stresses in particular the urgent need for them to fulfil rapidly and in good faith their commitment to reach a negotiated resolution of the disputed issue of Prevlaka in accordance with article 4 of the Agreement;

5. *Requests* the parties to continue to report at least bimonthly to the Secretary-General on the status of their bilateral negotiations;

6. *Requests* the United Nations military observers and the multinational Stabilization Force authorized by the Council in resolution 1088 (1996) of 12 December 1996 and extended by resolution 1247 (1999) of 18 June 1999 to cooperate fully with each other;

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

C. The situation in Bosnia and Herzegovina

Decision of 4 April 1996 (3647th meeting): statement by the President

On 29 March 1996, pursuant to Security Council resolution 1035 (1995), the Secretary-General submitted to the Council a progress report on the establishment of the United Nations Mission in Bosnia and Herzegovina (UNMIBH), which included the International Police Task Force in Bosnia and Herzegovina.¹⁰⁷ In his report, the Secretary-General stated that it was evident that military undertakings

¹⁰⁷ S/1996/210.