

ICFY

CYRUS R. VANCE
MISCELLANEOUS

30 JUNE 1992 - 9 MAR 1993

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ORIGINAL ORDER

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ACC. 2011/0195

FINAL

HSD

JOINT COMMUNIQUE

BELGRADE, Sept. 11, 1992

8:00 PM

I. We have today reaffirmed our total commitment to the decisions taken in London at the International Conference on the Former Yugoslavia, in particular that all outstanding issues should be resolved by peaceful means, on the basis of existing borders, and in a process of urgent and continuing negotiations.

II. Concerning Bosnia and Herzegovina, we have agreed on the following practical steps and objectives:

- There should be strict observation of the commitment to the collection and supervision of heavy weapons by the agreed expiration date of September 12, 1992;
- The provision of power and water to Sarajevo, under international management, should be urgently agreed;
- Every party on the ground must not only commit itself, but take all practical steps, to bring the earliest possible end to all hostilities in and around Sarajevo.

We welcome the imminent resumption of talks, without preconditions, on constitutional arrangements for Bosnia and Herzegovina with the participation of all parties. These will take place in Geneva, in a continuous and uninterrupted process, until full agreement is reached. Manifly

We agree on the desirability of stationing observers on the borders of states neighboring Bosnia and Herzegovina, as requested by Prime Minister Panic. 0

An agreement in principle has been achieved regarding the placing of observers at military airfields and a definitive agreement will be reached after consulting the United Nations and Governments concerned.

III. With respect to humanitarian issues:

- We declare our total condemnation of all practices related to "ethnic cleansing", and commit ourselves to helping reverse that which has already happened;
- We agree that all statements or commitments made

under duress, particularly those relating to land and property, are wholly null and void;

- We urge all concerned parties to cooperate fully, promptly and unconditionally with current efforts, in particular by the ICRC and the UNHCR, to free all detainees, close all detention centres and assure safe passage of former detainees to secure and safe areas;
- We further urge all parties to facilitate the safe delivery of all humanitarian assistance;
- We strongly support the efforts of all agencies, local and international, to relieve the plight of displaced persons in all territories of the former Yugoslavia.

Trucks

IV. With respect to relations with Croatia:

- We welcome the agreement on the imminent reopening of the road between Belgrade and Zagreb and its symbolic designation as a "Road of Peace;"
- We are committed to make all efforts to improve security around Maslenica Bridge so that repairs can be effected and the bridge reopened for traffic as soon as possible;
- We agree that the status of the "Yugoslav Pipeline" should be the subject of urgent discussion, in the framework of the International Conference's Working Groups;
- We welcome President Dacic's offer to the Presidents of Croatia, Macedonia and Slovenia to establish mixed committees to normalize and promote economic and practical cooperation. The International Conference's Working Groups on Economic Relations and on Succession Issues will usefully contribute to this work;
- An agreement in principle has been achieved regarding the Prevlaka peninsula. A definitive agreement will be reached after consulting the UN Secretary-General, the UN Security Council and the concerned Governments;
- We note the importance of the work of the Joint Commission established by UNPROFOR to deal with issues related to the "Pink Zones" and urge intensified cooperation with those efforts, including those for the protection of the civil

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population;

- We also call on all parties to strictly adhere to the United Nations peacekeeping plan, and in particular to support UNPROFOR's efforts in the Protected Areas to eliminate illegal activities of irregular and paramilitary formations and criminal elements, both Serbian and Croatian. *Panic*
- Given its importance in the provision of water and power to the region, we recognize the urgent need to reach agreement on problems relating to the Peruca Dam; *Panic - tell arms to behave help w. it de-mining*

V. We pledge our mutual cooperation in order to steadily advance the peace process, to reduce the level of violence and curb the flow of arms. We pledge ourselves to swiftly implement the decisions of the International Conference on the Former Yugoslavia.

Dobrica Cosic

Milan Panic

Cyrus R. Vance

David Owen

**UNITED
NATIONS****S****Security Council**Distr.
GENERALS/24900/Add.25
9 March 1993

ORIGINAL: ENGLISH

**NOTE VERBALE DATED 8 MARCH 1993 FROM THE SECRETARY-GENERAL
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL**

The Secretary-General of the United Nations presents his compliments to the President of the Security Council and, in accordance with paragraph 4 of Security Council resolution 781 (1992), has the honour to bring to his attention further information received by UNPROFOR regarding apparent violations of the ban on military flights in the airspace of Bosnia and Herzegovina.

Between 4 and 7 March 1993, there appear to have been three flights of fixed- or rotary-wing aircraft in the airspace of Bosnia and Herzegovina other than those exempted in accordance with paragraph 1 of resolution 781 (1992) or approved by UNPROFOR in accordance with paragraph 3 of that resolution. Details as to the time and the itinerary of these flights are attached as an annex to this note verbale.

ANNEX

INFORMATION ON FLIGHTS IN THE AIRSPACE OF BOSNIA AND HERZEGOVINA NOT AUTHORIZED BY
THE UNITED NATIONS PROTECTION FORCE

(4-7 March 1993)

SRL	Date	Start	End	Remarks	Heading, speed, altitude
463	4 Mar.	12.39	12.43	AWACS detected a track 35 nautical miles north-east of Banja Luka. The aircraft was heading south-east, tracked for 4 minutes before fading from radar contact 40 nautical miles east of Banja Luka. The aircraft was assessed as fixed-wing and flew in an area controlled by Bosnian Serbs.	South-east 280 kts 15,000-22,000 ft.
464	5 Mar.	20.15	20.47	An unidentified, low-speed aircraft, was detected 10 nautical miles north-west of Mahovljani (Banja Luka) heading south-west. It was tracked by an UNMO on the ACC Zagreb search radar until it faded from cover 5 nautical miles south-west of Sanski Most (25 nautical miles west of Banja Luka). The track was assessed as a probable helicopter.	West south-west 60-80 kts Unknown
[6 March: no violations reported]					
465	7 Mar.	15.15	15.15	While driving on the main road 5 miles north of Banja Luka, members of the Banja Luka Airfield Monitoring Team observed a green Gazelle helicopter flying at approximately 500 feet, heading north. There were no aircraft reported taking off or landing at Banja Luka airfields. The aircraft will be protested with local authorities.	North Slow 500 feet

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788.07.85
5^e route Montfleury

P.P.
1200 Genève 11

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M./Mme/Mlle/Firme

LINDSAY DOUGLAS
27 AV. DE BUDE 6ME
1202 GENEVE

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INTERNATIONAL CONFERENCE
ON THE FORMER YUGOSLAVIA



Palais des Nations, 1211 Geneva 10

Office of the Co-Chairmen

With Compliments

Dear Mrs. Yodsis,

I attach a bill from Services Industriels which Mrs. Vance has received. It covers in part a period before Mr. & Mrs. Vance moved in to Mrs. Lindsay's apartment. Do you think you could have them issue a bill for the appropriate period?

Thank You.

Wilma Gibson
Secretary to Mr. Vance

INTERNATIONAL CONFERENCE
ON THE FORMER YUGOSLAVIA

At a Glance: The Vance-Owen Peace Plan

I. CONSTITUTIONAL PRINCIPLES (accepted by all sides)

- Define Bosnia and Herzegovina as a decentralized state, with guaranteed freedom of movement throughout.
- Give substantial autonomy to the provinces, while denying them any international legal character.
- Provide for democratically-elected national and local governments and a mechanism for resolving disputes between them.
- Stress strong, internationally monitored human rights provisions.

II. MILITARY PAPER (accepted by Bosnian Croats and Bosnian Serbs)

- Cessation of hostilities within 72 hours.
- Withdrawal of heavy weapons from Sarajevo in five days, and from remaining areas in 15 days.
- Demilitarization of Sarajevo, and eventually the whole country.
- Separation of forces followed by a return of forces to designated provinces within 45 days.

III. THE MAP (accepted by Croats)

- Delineates a 10-province structure (see attached).

WORKING PAPER ON INTERIM ARRANGEMENTS

- Nine-member interim central Government (three from each party) to take decisions by consensus.
- Multi-ethnic provincial Governments to be set up reflecting all groups fairly, based on the pre-war census.
- Reversal of ethnic cleansing to get under way immediately.
- International Access Authority to be established to guarantee freedom of movement.
- National Authorities to be created to restore power, banking services, telecommunications and civil aviation.

INTERNATIONAL CONFERENCE
ON THE FORMER YUGOSLAVIA

Common Misconceptions of the Vance-Owen Plan

1. Rewards Serb aggression. On the contrary, aggression is punished by denying Bosnian Serbs all their main war aims:

a) Their main political objective was to establish an independent Bosnian Serb state. This is expressly precluded under the constitutional principles now agreed by all three sides.

b) They fought bitterly for a land corridor to Serbia. The Plan gives them only freedom of movement on internationally-controlled Thruways traversing Moslem- and Croat-majority provinces separating them from Serbia. No military traffic is allowed on these Thruways.

c) They now control militarily about 70 percent of the country. Under the Plan, they have to pull back to the three Serb-majority provinces which comprise about 43 per cent of the country. The Plan calls for the entire country eventually to become demilitarized.

2. Legitimizes "ethnic cleansing." The opposite is the case. The Plan calls for internationally-appointed ombudsmen with special responsibility for reversing ethnic cleansing. All commitments made under duress, particularly those relinquishing rights to land and property, are declared "wholly null and void." International troops, the courts, and human rights monitors will also be present to help reverse ethnic cleansing.

3. Carves up the country. This misrepresents the Plan. A bitter war has torn apart a country that had barely come into existence. The Plan stitches Bosnia and Herzegovina back together, preserving its sovereignty, independence, and multi-ethnic character.

4. Provinces are ethnically based. Not true. One third to one-half of the Bosnian Serbs would live outside their three provinces. Similar figures apply to the Muslims and Croats. The Peace Plan takes economic, geographic, and strategic considerations into account in delineating Bosnia's future provincial structure.

5. Delegitimizes the Current Government. Not true. The Plan proposes practical interim arrangements for administering the country from the time the peace package is agreed until free elections are held under a new constitution. To reestablish national unity the Plan proposes an interim authority fully representative of the three parties, as the existing Constitution requires.

6. Unenforceable. That's up to Governments. Once the Plan is agreed to by the three parties, the Security Council has the option of giving a strong enforcement mandate to the forces that will be charged with overseeing its full implementation.

TALKING POINTS (internal use only)

Interim Arrangements—Do They Delegitimize the Government?

The Co-Chairmen are seeking to establish, pursuant to the existing Constitution, a mechanism for governing the country from the time a peace agreement is reached to the time free elections can be held under a new constitution. All three parties are to participate in the spirit of national unity.

The legitimacy of the current Government is, in fact, heavily contested by two of the parties. Some background:

—In the 1990 elections, three ethnically-based Bosnian parties won a majority of the votes: the Moslem SDA, the Serb SDS, and a Croat party.

—The leading Moslem vote-getter, Fikret Abdic, normally would have been President of the rotating seven-member Presidency, but he withdrew. Alija Izetbegovic, who had a more nationalist orientation, took the post.

—In October 1991, the Parliament voted in favor of independence from Yugoslavia, triggering a walkout of the Bosnian Serb members. (Serbs, who were the largest ethnic group in Yugoslavia, made up 31 per cent of the population in Bosnia and Herzegovina, as against 44 per cent for the Moslems and 17 per cent for the Croats.) The Parliament eventually ceased to meet. In the absence of Parliament, the Presidency, now Moslem-dominated, runs the country.

—Independence followed in March 1992 after a referendum, which the Serbs boycotted, stating it violated the Constitution (which required consensus on such measures).

—Under the Constitution, the position of President was to rotate to a Bosnian Croat in December 1992. President Izetbegovic, citing a war emergency, refused to step down. The Croat members went along with this, in exchange for certain key positions.

—The new Prime Minister, Mile Akmadzic, a Bosnian Croat, soon found he had no meaningful role in Government, and has recently said so publicly. At the peace talks, he was excluded from the Government delegation and therefore sat with the Bosnian Croats.

wash

Fred Eckhard



REPUBLIC OF BOSNIA AND HERZEGOVINA
GOVERNMENT / VLADA
PRIME MINISTER / PREDSEDNIK

February 24, 1993

The Honorable Senator
Mr. Joseph Biden
Chairman, European Affairs Subcommittee
of the Senate Foreign Affairs Committee
United States Congress
205 Russell Office Building
Washington, DC 20010

Dear Senator Biden:

This letter concerns the testimony of Mr. Haris Silajdzic, Minister for Foreign Affairs of the Republic of Bosnia and Herzegovina, before the European Affairs Subcommittee of the Senate Foreign Affairs Committee on February 18, 1993. As Prime Minister of the Republic of Bosnia and Herzegovina, I wish to advise you that Mr. Silajdzic's testimony as a whole did not represent fully the position of the Government of the Republic of Bosnia and Herzegovina.

The position was established in its November program by consensus in the Government and the Presidency functioning as Parliament. As set forth in this program, the Government fully supports the International Conference on the Former Yugoslavia, the Co-Chairmen of the Steering Committee, Mr. Cyrus R. Vance and Lord David Owen, and their pursuit of a negotiated solution to the crisis in Bosnia and Herzegovina. We seek to achieve a just peace through this process. In our view, a just peace includes: (1) the return of all refugees and displaced persons who wish to return to their homes, (2) the establishment of an international criminal tribunal to try those accused of war crimes, (3) non-recognition of changes achieved by aggression, including ethnic cleansing; and (4) payment of reparations to those who were damaged as a result of the war.

The Government has also determined that Bosnia and Herzegovina can be politically arranged as a decentralized state. The proposals concerning establishment of provinces are an acceptable solution if not based only on ethnic principles, but rather on a combination of ethnic, geographic, historic, economic and other principles developed through negotiations. Our program includes full equality for the three peoples of Bosnia and Herzegovina: Croats, Muslims and Serbs, as recognized by the Constitution of the Republic of Bosnia and Herzegovina.

Senator Joseph Biden

February 24, 1993

Page 2

The Government has also agreed upon a delegation from Bosnia and Herzegovina which is empowered to negotiate with other countries on all matters that concern our foreign relations. The delegation which represents the Republic in discussions with other countries is a delegation made up of two Croats, two Muslims and two Serbs. The issues concerning internal matters, including internal political arrangement under auspices or with necessary arbitration of the international community through United Nations or the European Community, are to be negotiated among its three peoples. This is the case with Vance/Owen peace talks, where three parties negotiate and no one party is the Government.

I therefore ask you to keep in mind that the testimony of Mr. Silajdzic on the current stage of the Vance/Owen talks and on the national history of Bosnia and Herzegovina is representative of the view of some Muslim members of the Government, and not of the Government as a whole.

Furthermore, please be advised that the mandate of Mr. Alija Izetbegovic as President of the Presidency of the Republic of Bosnia and Herzegovina expired on December 20, 1992. He is presently without constitutional authority to act in that capacity. The Presidency, and not the President alone, is the representative body of the Republic of Bosnia and Herzegovina. Only the Presidency can invoke constitutional emergency powers, not the President alone. The President is merely *primus inter pares*. Like Mr. Silajdzic, Mr. Izetbegovic does not speak for the Presidency as a whole with respect to the current stage of the Vance/Owen talks, but only as one Muslim member of the Presidency.

I regret having to be so blunt in light of the immense suffering of Bosnia and Herzegovina's Muslims. I am nevertheless compelled as Prime Minister to bring the foregoing facts to your attention.

My Government welcomes the support of the United States and we are very grateful for such help. I will be available to discuss these matters and other issues of concern to you.

May I request your kind assistance in circulating this letter to your honorable colleagues in the United States Senate and entering this letter as a record of your esteemed Committee.

Sincerely,



Mile Akmadzic
Prime Minister

cc: President of the United States
President of the Security Council of the United Nations

The New York Times
Sunday, 28 February 1993

Beleaguered Bosnian President Meets With Gore

By DAVID BINDER

Special to The New York Times

WASHINGTON, Feb. 27 — The President of Bosnia and Herzegovina, Alija Izetbegovic, conferred with Vice President Al Gore today on the Bosnian conflict, and after a 90-minute meeting Mr. Gore issued a statement saying he had "expressed the profound hope that an equitable and durable solution would be found to the problems of former Yugoslavia."

Mr. Izetbegovic was invited to Washington as part of an effort by the Clinton Administration to persuade him to rejoin peace talks in New York under the supervision of the United Nations and the European Community.

Mr. Izetbegovic has told Cyrus R. Vance, the United Nations mediator, and Lord Owen of Britain, representing the European Community, that he will attend the next session of the talks on Monday in New York.

Said He Would Not Return

At the beginning of February, Mr. Izetbegovic told Mr. Vance and Lord Owen that he would not return to the negotiations because of his objections to their plan for ending the fighting in Bosnia.

The other main participants in the New York talks are Radovan Karadzic, leader of the Bosnian Serbs, and Mate Boban, leader of the Bosnian Croats.

On the eve of the resumption of the talks, a dispute has erupted between Mr. Izetbegovic, who is a Muslim, and his Prime Minister, Mile Akmadzic, an ethnic Croat who is a member of the Croatian delegation at the talks.

Challenge to President

In a letter to Senator Joseph R. Biden, chairman of the Europe subcommittee of the Foreign Relations Committee, Prime Minister Akmadzic contended that Mr. Izetbegovic's two-year term as President of Bosnia and Herzegovina expired in December and had

On the eve of peace talks, who's in charge?

not been legally extended.

Mr. Izetbegovic remains a member of the republic's presidency, Mr. Akmadzic acknowledged, but not as President any longer.

Mr. Akmadzic also disputed testimony before the panel on Feb. 18 by Haris Silajdzic, the Bosnian Foreign Minister.

The rift symbolizes the ethnic conflicts engulfing the former Yugoslavia.

In the letter, Mr. Akmadzic said that Mr. Izetbegovic and Mr. Silajdzic represent the Muslim side in the negotiations but not the Government of the republic.

Referring to the New York negotiations, the Prime Minister wrote: "I therefore ask you to keep in mind that the testimony of Mr. Silajdzic on the current stage of the Vance-Owen talks and on the national history of Bosnia and Herzegovina is representative of the view of some Muslims of the Government, and not the Government as a whole."

Objects to Vance-Owen Plan

In his testimony to the Biden subcommittee, Mr. Silajdzic portrayed himself repeatedly as representing the Government of Bosnia and Herzegovina, but not as a member of the Bosnian Muslim delegation to the peace talks.

He strongly objected to the Vance-Owen proposal to replace the current Government with a new central authority consisting of Bosnian Muslims, Serbs and Croats on a basis of ethnic parity, although his delegation accepted that principle in writing in Geneva last month.

Instead, Mr. Silajdzic proposed before the Senate panel that "the continuity of the legal authorities in Bosnia-Herzegovina will be secured."

At the hearing, Senator Biden said he, too, opposed the Vance-Owen plan. He warmly praised Mr. Silajdzic, saying he was "impressed" by his testimony.

"I regret having to be so blunt," Mr. Akmadzic wrote in his response to Mr. Biden, requesting that the senator circulate his letter to his Congressional colleagues and enter the letter into the record of the Foreign Relations Committee.

Biden Statement

In a statement, Senator Biden said he would make Mr. Akmadzic's letter part of the committee record, adding: "It is impossible to discern all that may lie behind such a letter. But it is not difficult to discern one possible effect, which is to undermine the credibility of the very Government of which Mr. Akmadzic is a part."

Mr. Biden's office also distributed a letter faxed to him by Mr. Izetbegovic, asserting that he remained "President of the Presidency" of his republic because of the "emergency situation" created by the fighting.

Disputes between Muslims and Croats in Bosnia began on the ground last summer in clashes between rival armed forces over who would control territories where both ethnic groups were present in large numbers.

The disputes have since extended into the Sarajevo Government.

The Prime Minister, speaking by telephone from New York, said: "My point is that all three peoples, Muslims, Serbs, Croats are equal, regardless of their numbers. All are equal in rights to exercise authority in Bosnia and Herzegovina participating on a parity basis."

SWEDISH DELEGATION

Geneva, 2 March, 1993

Mr C Vance and Lord D Owen
Co-chairmen of the International
Conference on former Yugoslavia
Room A 650
Palais des Nations

1211 GENEVA 10

Dear Mr Vance and Lord Owen,

The Swedish Mission hereby have the pleasure to forward the report "Proposal for an International War Crimes Tribunal for the Former Yugoslavia" by the Rapporteurs Corell-Türk-Thune under the CSCE Moscow Human Dimension Mechanism to Bosnia-Herzegovina and Croatia.

Sincerely yours,


Ann Marie Pennegård
Counsellor

6592x

4 Jan '93

CONSTITUTIONAL PRINCIPLES FOR BOSNIA AND HERZEGOVINA

- (1) Bosnia and Herzegovina shall be a decentralized State, with most governmental functions carried out by its provinces.
- (2) The provinces shall not have any international legal personality and may not enter into agreements with foreign states or with international organizations.
- (3) Full freedom of movement shall be allowed throughout Bosnia and Herzegovina, to be ensured in part by the maintenance of internationally controlled Throughways.
- (4) The constitution shall recognize three "constituent peoples", as well as a group of "others".
- (5) All matters of vital concern to any of the constituent peoples shall be regulated in the constitution, which as to these points may only be amended by consensus of these constituent peoples; ordinary governmental business is not to be vetoable by any group.
- (6) The provinces and the central government shall have democratically elected legislatures and democratically chosen chief executives and an independent judiciary. The Presidency shall be composed of three elected representatives each of the three constituent peoples. The initial elections are to be UN/EC/CSCE supervised.
- (7) A Constitutional Court, with a member from each group and a majority of non-Bosnian members initially appointed by ICFY, shall resolve disputes between the central government and any province, and among organs of the former.
- (8) Bosnia and Herzegovina is to be progressively demilitarized under UN/EC supervision.
- (9) The highest level of internationally recognized human rights shall be provided for in the constitution, which shall also provide for the ensurance of implementation through both domestic and international mechanisms.
- (10) A number of international monitoring or control devices shall be provided for in the constitution, to remain in place at least until the three constituent peoples by consensus agree to dispense with them.

A N N E X

The following text is that of the proposed "Constitutional Structure for Bosnia and Herzegovina" proposed by the Co-Chairmen on 27 October 1992 and on 16 November specifically endorsed by the Security Council (resolution 787(1992), para. 1) as a basis for negotiating a political settlement of the conflict in Bosnia and Herzegovina, as slightly modified to take into account the consultations with the parties on that proposal and to reflect some additional points advanced by the Co-Chairmen on 2 January 1993 in connection with the map indicating the suggested delimitation of the provinces -- all as set out in the "Constitutional Principles for Bosnia and Herzegovina".

PROPOSED CONSTITUTIONAL STRUCTURE FOR BOSNIA AND HERZEGOVINA

Bosnia and Herzegovina (BiH) to be a decentralized state with significant functions carried by 10 autonomous provinces.

I. Overall Structure

- A. Bosnia and Herzegovina to be a decentralized state within its present international borders (i.e., those it had within the former S.F.R.Y.).
- B. Bosnia and Herzegovina to be divided into 10 autonomous provinces:
 - 1. The boundaries of the provinces are specified on the attached map. Many of the provinces will have a considerable majority of one of the three major ethnic groups, and most will have a significant representation of minorities;
 - 2. The provincial boundaries to be set in the Constitution, and may not be changed without amending it with high majority requirements (III.A.3). Similarly, no province to be permitted to secede without such an amendment;
 - 3. None of the provinces to have a name that specifically identifies it with one of the major ethnic groups;

4. There are to be no border controls at inter-provincial boundaries, and full freedom of movement is to be allowed throughout the entire country. Specified inter-provincial Throughways (to be indicated on the annexed map) are to be maintained under international control to ensure the free flow of traffic and to prevent military forces or specified war materials from moving between provinces, until the Constitution is amended with special high majority requirements to eliminate such arrangements.
- C. The Constitution is to recognize three "constituent peoples" , as well as a group of "others".
- D. The Constitution is to provide that on a transitional basis certain of the constitutional bodies be manned by persons appointed by ICFY and certain functions be internationally supervised.
 1. These include:
 - (a) Inter-provincial Throughways (I.A.4)
 - (b) The Constitutional Court (IV.A.3(c))
 - (c) The progressive demilitarization of the country (V.A.2)
 - (d) The non-discriminatory composition of the police (V.B.1(b))
 - (f) The International Commission of Human Rights for Bosnia and Herzegovina (VI.B.1)
 - (g) The Ombudsmen (VI.B.2)
 - (h) The Human Rights Court (VI.B.3)
 2. The duration of these arrangements could be:
 - (a) Limited to a specified period (e.g., IV.A.2(b))

- (b) Determined by ICFY or a successor (e.g., VI.A.2)
- (c) Determined by objective factors (e.g., VI.B.3)
- (d) If not otherwise provided (e.g., IV.A.3(c)), until the Constitution is amended to eliminate or change the applicable provision, for which high enough majorities should be set so that they can only be obtained by a substantial consensus of the groups (III.A.3(c))

II. Distribution of Governmental Functions

- A. The central government is to have exclusive responsibility for:
 - 1. Foreign Affairs (including membership in international organizations)
 - 2. International commerce (custom duties; quotas)
 - 3. Citizenship (including dual) (VI.C.1-2)
 - 4. Taxation for central government purposes¹
- B. "Independent" authorities, consisting of representatives of all the provinces, are to have responsibility for:
 - 1. Central bank:
 - (a) issue of currency
 - (b) regulatory functions over provincial banks

¹ If the provinces are not all economically viable, or if some are much poorer than others, then some sort of resource transfer among them may have to be envisaged, possibly utilizing the taxing power of the central government.

2. Infrastructure for international and inter-provincial communications: railroads², canals², pipelines², air control, post, telephone and telegraph
 3. Electric power grid
- C. The central government and the provinces are to share responsibility for:
1. Environmental controls, with the central government setting minimum standards, which each province can raise
 2. Judiciary (IV.A.3 and IV.B.3)
- D. The provinces are generally to have exclusive responsibility for:
1. Education, including higher (i.e. universities)
 2. Cultural institutions and programmes
 3. Radio and Television
 4. Licensing of professions and trades
 5. Natural resources use, e.g., agriculture; forestry; hunting and fishing; mining
 6. Health care, social services and insurance
 7. Provincial communications, e.g., local roads; airports
 8. Energy production
 9. Control of commercial and savings banks and other financial institutions
 10. Police (V.B.1)

² Possibly as part of an international authority.

11. Taxation for provincial purposes

The provinces are not to be allowed to establish formal international ties, except with permission of the central government; they are to have no international legal personality.

III. Constitutions

A. Central:

1. To be negotiated and adopted within framework of ICFY
2. Supreme law of Bosnia and Herzegovina and of all the provinces
3. Difficult to amend (i.e., high majority requirements in both Houses of legislature and possibly a referendum with high absolute and/or relative majority requirements), with the following provisions enjoying special protection (i.e., special majority requirements so that adoption would require the consent of the three constituent peoples):
 - (a) Human and group right provisions (VI.A.2(a)-(b)) and the related procedural devices (VI.B)
 - (b) Boundaries of provinces or permission for any to secede (I.B.2)
 - (c) Certain provisions for transitional international supervision (I.D.2(d))
 - (d) Any other matter as to which the parties agree that a change would upset the balance on which the Constitution is based.

- B. Provincial: Each province (except Sarajevo, to which special provisions shall apply) to adopt its own constitution, subject only to the national Constitution in accordance with any decisions of the Constitutional Court (IV.A.3(c)(i))

IV. Governmental Structures

A. Central Government

1. Legislature

- (a) Lower House: Elected on basis of proportional representation in Bosnia and Herzegovina as a whole³
- (b) Upper House: Appointed by and from the provincial governments

Legislation, including approval of important international engagements and of constitutional changes (III.A.3), should generally require action by both Houses, although their respective functions may not be identical in respect of all of these and different majorities might be specified for different actions. In particular, while legislative actions that would change the basic arrangements among the three constituent peoples reflected in the Constitution would require an amendment of the Constitution with especially high majorities (III.A.3(a)-(d)), ordinary legislation should not require specially high majorities and procedural questions only a simple one. If a dispute arises as to what category a question falls into, the matter should be referred to the Constitutional Court (IV.B.3(c)) for an urgent decision.

2. Executive

- (a) A "Presidency" to consist of three elected representatives of each of the three constituent peoples, with no executive functions but responsibility solely for senior appointments, in particular: President (IV.A.2(b)); Ministers (IV.A.2(d)); judges of highest appellate

³ This means that each group can form one or more parties -- but there might also be parties on purely political, provincial or ideological bases.

court(s) (IV.A.3(a)); national appointees to the Human Rights Court (VI.B.3) and the Constitutional Court (IV.A.3(c)), all of which are to require either group rotation or balance⁴, as to which an appeal will lie to the Constitutional Court (IV.A.3(c) (iv)). No unanimity or consensus requirement, to avoid possibility of paralysis.

- (b) A President (a largely ceremonial Head of State⁵) chosen by the Presidency for a limited term and subject to rotation.
- (c) A Prime Minister (Head of Government⁵) elected by the Lower House of the legislature.
- (d) Ministers appointed by the Prime Minister with the approval of the Presidency, with due account for group balance, the Foreign and Defence Ministers in any event to be from different groups.
- (e) A civil service constituted on principle of group balance⁴.

3. Judiciary

- (a) The highest appellate court(s), with group balance to be required. (The courts of first instance and the intermediate appellate courts are to be provincial (IV.B.3)⁶.)

⁴ It will be necessary to indicate whether the word "balance" means "equal" or "proportional" representation.

⁵ The Constitution will have to specify precisely the division of responsibilities between the President and the Prime Minister.

⁶ Normally appeals to the national appellate courts would have to be on a question of national law (i.e., involving the Constitution, national legislation or international treaties), so that for most other issues the provincial appellate court would be the highest

- (b) A Human Rights Court (VI.B.3)
- (c) A Constitutional Court, primarily⁷ for resolving disputes:
 - (i) Between the central government and one or more provinces;
 - (ii) Between provinces;
 - (iii) Between principal authorities of the central government;
 - (iv) Concerning the group rotation or balance of appointments made by the Presidency (IV.A.2(a));
 - (v) As to the majorities required for adopting disputed legislation (III.A.1 (last sentence)).

The Constitutional Court would also serve as a court of appeals on constitutional questions from the highest appellate courts (VI.A.3(a)). The Court is to consist of one national judge from each group, appointed by the Presidency, and of five foreign judges appointed in the first instance by ICFY, with replacements to be appointed by an appropriate international authority designated by ICFY.

B. Provincial (Determined by each provincial constitution)

1. Legislature: Separate legislatures for each province -- preferably a single chamber, possibly two but elected on different bases

instance reached.

⁷ The Constitutional Court, whose primary function would be to settle disputes among constitutional authorities, would be a court of first instance for such cases -- i.e. such disputes would be brought to it directly and could be disposed of as quickly as the matter required -- in preference to the Court's appellate jurisdiction specified in the sentence following the several sub-paragraphs.

2. Executive: A single "Governor" for each province, with the Governor of Sarajevo to be chosen from an elected body consisting of an equal number of representatives of the three constituent peoples
3. Judiciary: Courts of first instance (civil, criminal, administrative, labour, etc.) and intermediate appellate courts

V. Executive Force

- A. Military: Bosnia and Herzegovina is to be progressively demilitarized under the supervision of ICFY or an authority designated by it.
- B. Police:
 1. Provincial: All uniformed police to be at provincial or local level:
 - (a) Police controlled by provincial executive
 - (b) Police to observe same rules as to non-discrimination, etc., as all branches of government (VI.A.2(b)); the initial arrangements relating to non-discrimination to be supervised by ICFY and thereafter by an appropriate authority designated by ICFY.
 2. National: Only an administrative body (i.e., no uniformed, armed forces) in order to:
 - (a) Co-ordinate provincial police
 - (b) Assist in technical functions (e.g., crime laboratories)
 - (c) Co-ordinate with international and foreign police authorities
- C. Prohibition of armed forces: No public or private armed units may be formed in the country.

VI. Human and Group/Minority Rights

A. Substantive:

1. Source: The highest level of internationally recognized rights, as set out in instruments (primarily treaties and some IGO declarations - originating with UN, Council of Europe and CSCE) to be specified in the Constitution (see the Appendix hereto)
2. Types:
 - (a) General human, especially civil and political rights
 - (b) Group, especially "minority"⁸ rights, including obligation to maintain group balance in governmental decision-making bodies as well as in the various central and provincial civil, police and other services (or, at the minimum, strict non-discrimination)
 - (c) Economic, social and cultural rights -- which to a considerable extent may have to be set out as aspirations and goals, and not be subject to the rigid protection of the other above-mentioned rights

- B. Procedural: The general human, civil and political, and group rights to be protected by a number of domestic and international procedural arrangements, including⁹:

⁸ This term will require special attention and definition in respect of Bosnia and Herzegovina, because on the one hand no ethnic or other group has an absolute majority in the country as a whole, so that in a sense all are minorities, but it is likely that in many regions one group will have a clear majority.

⁹ In addition to the arrangements listed below, account should also be taken of the international supervision provided on a normal basis by the special organs created by the human rights treaties to which Bosnia and Herzegovina will be obliged to become a party (to

1. An International Commission on Human Rights for Bosnia and Herzegovina, with wide powers to investigate and to hear complaints, the obligation to report to competent international (UN, CSCE, C/E) bodies, including, if appropriate, the Security Council. To be established by ICFY for a limited period (e.g., 5 years), subject to prolongation by ICFY or another appropriate international authority designated by it.
2. Four Ombudsmen, one from each group, to be initially appointed by ICFY and later by the Lower House of the legislature. They are to have adequate staffs and be equipped with strong powers to investigate, be obliged to make reports to all competent governmental authorities at any level, and be empowered to appeal to or intervene in courts to protect rights; they are to have special responsibility to reverse ethnic cleansing.
3. A Human Rights Court to which appeals can be taken from any court (provincial or national) on human rights issues, which would initially be established as part of a Council of Europe mechanism and consist of one national judge from each group appointed by the Presidency and at least five foreign judges, appointed by the Presidents of the European Court of Human Rights and the European Commission of Human Rights -- to be maintained at least until Bosnia and Herzegovina becomes a member of Council of Europe and party to the European Convention on Human Rights, and perhaps even beyond.
4. Unimpeded access by individuals and recognized groups to courts under all circumstances, and with right to rely directly on constitutional provisions and on those of international treaties to which Bosnia and Herzegovina is a party or which are referred to in the Constitution, whether or not there is implementing legislation.

be specified in the Constitution (VI.A.1) -- see para. (c) of the Appendix hereto).

C. Citizenship (Closely connected with many of the human and group right provisions):

1. Citizenship of Bosnia and Herzegovina: to be determined by central government, in accordance with the Constitution and national laws
2. Dual citizenship to be allowed
3. No "provincial citizenship"
4. No official ethnic identification of citizens (e.g., on identity cards)

APPENDIX

International Human Rights Treaties and other Instruments^j to be incorporated by reference into the Constitution of Bosnia and Herzegovina

The purpose of such incorporation would be to:

- (a) *Make their provisions immediately applicable to Bosnia and Herzegovina and enforceable by its courts.* In this connection it should be noted that normally states are only bound by treaties and only by those to which they voluntarily become parties. Although states can bind themselves to observe other instruments, such as declarations, many such instruments are not so formulated as to allow them to be easily used as a source of positive law. Also requiring a state to abide by such instruments puts it into a somewhat invidious position as almost no states have voluntarily entered into, or become subject to, such obligations. Consequently, before requiring Bosnia and Herzegovina to bind itself constitutionally to abide by any non-treaty instruments, each such instrument should be examined carefully to determine whether it is suitable.
- (b) *Oblige Bosnia and Herzegovina to become a party to those of the listed instruments that are treaties, as and when possible, i.e. immediately in respect of UN treaties, and upon becoming a member of the Council of Europe in respect of its treaties. As to those treaties to which the former Yugoslavia was a party^k, Bosnia and Herzegovina will only have to submit a statement of succession to the UN Secretary-General.*
- (c) *Allow international monitoring or other supervision by the bodies created by certain of these treaties.^l*

^j In the list herein, treaties are indicated by bold lettering and other instruments (e.g., declarations) are indicated by light lettering.

^k In this list, those treaties are marked with an asterisk (*).

^l Such bodies are indicated in this list by double underlining.

It is understood that the parties to the constitutional negotiations may agree to list additional instruments in the Constitution.^m

A. General Human Rights, especially Civil and Political Rights

(a) United Nations (UN) System Instruments:

1. 1948 Convention on the Prevention and Punishment of the Crime of Genocide*
2. 1948 Universal Declaration of Human Rights, Articles 1-21
3. 1966 International Covenant on Civil and Political Rights* and its 1966 (right of petition to the Human Rights Committee) and perhaps its 1989 (abolition of death penalty) Optional Protocols [Human Rights Committee]
4. 1965 International Convention on the Elimination of All Forms of Racial Discrimination* [Committee on the Elimination of Racial Discrimination (CERD)]
5. 1979 International Convention on the Elimination of All Forms of Discrimination against Women* [Committee on the Elimination of Discrimination Against Women (CEDAW)]
6. 1989 Convention on the Rights of the Child* [Committee on the Rights of the Child]
7. 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment [Committee Against Torture]
8. 1951 Convention relating to the Status of Refugees* and the 1966 Protocol thereto* [UN High Commissioner for Refugees]

^m This list does not include about a dozen instruments, including a number of CSCE declarations that would fit under categories A or B, that do not appear to meet the criteria in paragraph (a) above or as to which it otherwise appears doubtful that inclusion in the BiH constitution should be demanded, but which were included in a list of human rights instruments provided to the parties for their information.

(b) Council of Europe (C/E) Instruments

9. 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms, and Protocols 1-10 thereto [European Commission on Human Rights and European Court of Human Rights]
10. 1987 European Convention on the Prevention of Torture and Inhuman or Degrading Treatment or Punishment [European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment -- operates in respect to Art. 3 of instrument 9 above]

(c) Conference on Security and Cooperation in Europe (CSCE) Instruments

11. 1975 Final Act of the [Helsinki] Conference on Security and Co-operation in Europe, Part 1(a) (VII) and Basket III [Helsinki Review Process, as enhanced by the human dimension review mechanism established by paras. 1-4 of the Vienna Concluding Document, paras. (41)-(42) of the Document of the Copenhagen Meeting, and Part. I of the Document of the Moscow Meeting]

B. Protection of Minoritiesⁿ

(a) UN System Instruments

12. 1992 Declaration on the rights of persons belonging to national or ethnic, religious and linguistic minorities

ⁿ The instruments listed herein are those dealing specifically with the rights of minorities. In addition, a number of the instruments listed in section A also have relevant provisions on this subject.

(b) C/E Instruments

13. 1990 C/E Parliamentary Assembly Recommendation 1134 (1990) on the rights of minorities, paras. 10-13

(c) CSCE Instruments

...

C. Economic, Social and Cultural Rights

(a) UN System Instruments

- 2*. 1948 Universal Declaration of Human Rights, Articles 22-27
14. 1966 International Covenant on Economic, Social and Cultural Rights* [ECOSOC Committee on Economic, Social and Cultural Rights]

(b) C/E Instruments

15. 1961 European Social Charter and Protocol 1 thereto [Committee of Experts]

(c) CSCE Instruments

...

D. Citizenship and Nationality^o

(a) UN System Instruments

16. 1957 Convention on the Nationality of Married Women*
17. 1961 Convention on the Reduction of Statelessness

^o The instruments listed herein are those dealing specifically with questions relating to citizenship and nationality. In addition, a number of the instruments listed in section A also have relevant provisions on this subject.

(b) C/E Instruments

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(c) CSCE Instruments

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8 February 1993

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON THE NEW YORK ROUND OF THE
PEACE TALKS ON BOSNIA AND HERZEGOVINA (3-8 FEBRUARY 1993)

INTRODUCTION

1. In my report of 2 February (S/25221) to the Security Council, I related the efforts of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia to help to bring about peace in Bosnia and Herzegovina. I endorsed the peace package put forward by the Co-Chairmen as a just and viable settlement for all sides.
2. The Co-Chairmen, Cyrus Vance and Lord Owen, decided to hold a round of the peace talks in New York in order to be closer to members of the Security Council so that the good offices of the Council could be used to advantage in helping the three sides to overcome their outstanding differences. Accordingly, since coming to New York on 1 February, the Co-Chairmen have had extensive discussions with members of the Security Council, meeting in groups, and have also negotiated intensively over Friday, Saturday and Sunday, 5 to 7 February, with the three sides.

I. DISCUSSIONS WITH MEMBERS OF THE SECURITY COUNCIL

3. The Co-Chairmen met the President of the Security Council on 2 February. The same day they met with the five permanent members of the Council. On the following day, they met with the non-aligned members of the Council and also with the remaining five members.
4. The Co-Chairmen explained the process that had led them to propose their peace package and the factors that had influenced the contents of that package. They also reported the attitudes of the three sides participating in the peace talks.
5. The Co-Chairmen emphasized to the members of the Security Council their rejection of ethnic cleansing, their strongly held view that human rights and fundamental freedoms must be woven into the peace package, their insistence that Bosnia and Herzegovina should remain a sovereign, independent, integral

8/15

S/25248
English
Page 2

and multi-ethnic State in which all parts of the population could live in peace in accordance with their respective cultures and traditions.

6. The Co-Chairmen further explained that their priorities were to stop the conflict; to develop a Constitution for Bosnia and Herzegovina in accordance with the constitutional principles that had been signed by the three sides (see S/25100, appendix III); and to devise interim arrangements for the period until elections could be held pursuant to the new Constitution - all to be consistent with the principles laid down by the Security Council and at the London session of the International Conference. The Co-Chairmen also explained their concerns about the danger of the conflict spreading. In this regard, the Co-Chairmen have continued to maintain the view that even a selective lifting of the arms embargo would not be in the interest of peace or of human rights but could, instead, lead to a devastating conflagration engulfing the Balkan region.

7. The Co-Chairmen conveyed their assessment to the members of the Security Council that the peace package that they had put forward was enforceable. In their estimation, a United Nations force of 15,000 to 25,000 would be required to implement the package in Bosnia and Herzegovina.

8. The Co-Chairmen repeatedly and strongly urged the members of the Security Council to establish an international criminal court to try persons accused of grave breaches of international humanitarian law in former Yugoslavia.

9. The Co-Chairmen also met with the Contact Group of the Organization of the Islamic Conference (OIC) and developed many of the same points. During the weekend of 6 and 7 February 1992, the Co-Chairmen also spoke to Foreign Minister Djukic of the Federal Republic of Yugoslavia (Serbia and Montenegro) and briefed him on their efforts. He said that he and his Government continued to express fullest support for the Co-Chairmen and their plan.

II. MEETINGS WITH THE THREE BOSNIAN SIDES

10. The Co-Chairmen held several rounds of discussions with each of the three Bosnian sides.

A. The Bosnian government side

11. The Bosnian government side took the position throughout the New York round of the talks that it was not willing to discuss either the provincial boundaries or interim governmental arrangements. It also declined to meet together with the other two sides. The delegation raised the issue of the non-implementation of agreements reached at the London session of the International Conference and also the non-implementation of prior decisions of the Security Council. The delegation suggested that work should rather concentrate henceforth on the drafting of a new Constitution for Bosnia and Herzegovina. The Co-Chairmen told the delegation that the most optimistic estimate was that that would take three months.

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12. With respect to interim governmental arrangements, the Bosnian government side wanted them to be built around the existing Government. It reintroduced into the discussion written comments (annex I) that it had presented earlier on a preliminary version of the working paper on interim governmental arrangements (see S/25221, annex V). The Co-Chairmen explained that most of the points contained in the written comments had already been accommodated in the working paper on interim governmental arrangements and also indicated why others had not been included.

13. The government delegation proposed that Serb heavy weaponry be placed immediately under international control and offered to do the same. The Co-Chairmen told the delegation that the only way that could be achieved quickly was through adopting their comprehensive peace settlement. As to further measures to deal with heavy weapons, the Co-Chairmen explained that an enforceable no-fly ban would be necessary in the event of a cessation of hostilities and that they were exploring with the United Nations Protection Force (UNPROFOR) the possibility that aircraft assigned to enforcing the no-fly zone might also be empowered to take action against any heavy weapons that have not been declared to UNPROFOR or which were breaching the cease-fire.

14. The Co-Chairmen discussed those elements that they hoped might be included in a future Security Council resolution supporting the peace package. In particular, the Co-Chairmen stressed that UNPROFOR and all other United Nations agencies would need to be authorized to have unobstructed access to anywhere in Bosnia and Herzegovina.

15. In these discussions, the Co-Chairmen indicated that they felt that it would enhance the authority of the proposed International Human Rights Commission for Bosnia and Herzegovina if its establishment was to be directly recommended by the Security Council and could address human rights and humanitarian issues with particular attention to measures for the protection of refugees and displaced persons who wished to return to their homes.

16. The Co-Chairmen also stressed that the establishment of an international criminal court to deal with persons accused of grave breaches of international humanitarian law in the former Yugoslavia would reassure people that, even after a cessation of hostilities, it would be possible to bring perpetrators of war crimes and crimes against humanity to justice.

B. The Bosnian Serb side

17. The Bosnian Serb side continued to maintain that many predominantly Serb areas had been excluded from Serb majority provinces. It continued to take the position that it would be ready to accept and to sign the map proposed by the Co-Chairmen (see S/25221, annex III) only if the populations of contested areas were consulted. The Co-Chairmen continued to reject this on the ground, as stated in my previous report (S/25221, para. 11), that there had been so much ethnic cleansing and displacement of population in Bosnia and Herzegovina that it would be wholly impractical to hold democratic consultations.

10/15

S/25248

English

Page 4

18. The Bosnian Serb side submitted to the Co-Chairmen a map suggesting wholesale changes in the proposed provincial boundaries. The Co-Chairmen said the other parties were most unlikely to agree, but they agreed to raise again with the Bosnian government delegation the suggestion, first put on the table in Geneva, to create two new provinces on the eastern border (see annex II). Of particular importance was that the expanded province No. 4 would be likely to have a majority of Muslims and include a number of towns like Brcko and Janja where Muslims were in the majority while, in the province No. 4 suggested by the Co-Chairmen, the Serbs were likely to form the majority.

19. With regard to interim arrangements, the Bosnian Serb side stated that it could not accept any arrangements that were based on the premise that the existing Constitution of Bosnia and Herzegovina continued to be valid or that the interim Government would be a continuation of the current Presidency. They continued to prefer not to call it the interim central Government but rather the "central coordinating body".

C. The Bosnian Croat side

20. It will be recalled that the Bosnian Croat side has already signed the constitutional principles, the map specifying the proposed provincial boundaries and the agreement dealing with military and security issues.

21. In their discussions with the Bosnian Croat side, the Co-Chairmen sought to explore whether any adjustments could be made in the proposed provincial boundaries that would make them more acceptable to the other two sides. The Bosnian Croat side indicated that it was prepared to entertain some changes. It put forward a number of suggestions, particularly in the eastern border of Travnik Province (No. 10) and the western border of Posavina Province (No. 3). A revised map showing the possible changes is contained in annex III to the present document.

III. THE PEACE PACKAGE

22. The Co-Chairmen indicated to the parties their intention to establish a boundary commission, with the participation of the three sides, that would determine the precise delimitation of the provinces consequent on the proposed map, and that might in addition assist the sides in negotiating any possible adjustments.

23. From the foregoing account on the New York round of the peace talks, it will be seen that the possibility of reaching agreed solutions among the three Bosnian sides was reduced by the refusal of the Bosnian government delegation to meet with the other sides or to discuss provincial boundaries. In the circumstances, the Co-Chairmen were left with the option of maintaining the peace package in the form it was presented to the Security Council in my last report (S/25221, annexes II-IV) or to modify it so as to address as far as possible the often-repeated concerns of the two sides that had not yet accepted the map dealing with provincial boundaries.

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11/15

S/25248
English
Page 5

24. It was the considered judgement of the Co-Chairmen, taking into account the work done at the New York round of the peace talks, that some modifications were possible in the proposed provincial boundaries that might be acceptable to all the parties. Accordingly, they submitted to the Bosnian Croat side, as the party most affected, a revised map of the provincial boundaries. The map was then presented to the Bosnian Serbs and they rejected it and also reconfirmed their position on the original map put forward by the Co-Chairmen. The Bosnian government side was given a copy of the revised map for information, but since it was not agreed by all the parties the Co-Chairmen remain committed to their original proposal.

12/15

S/25248
English
Page 6

Annex I

Comments on the "Interim arrangements for Bosnia and Herzegovina" of the delegation of the Republic of Bosnia and Herzegovina to the International Conference on the Former Yugoslavia, dated 28 January 1993

1. The interim period for the establishment of peace until the adoption of the new Constitution and until the democratic elections take place opens a series of legal and practical questions. We do appreciate the efforts of the Co-Chairmen to restore as soon as possible all the vital functions and the whole territory of Bosnia and Herzegovina. We would like to draw your attention to the most important implications in the case of the application of the interim arrangements.
2. During the process of the international recognition of Bosnia and Herzegovina all the relevant political factors in the world, including the Badinter Commission, established that Bosnia and Herzegovina fulfils all democratic standards. The legitimacy of its democratically elected organs has not been questioned at all. Even in the situation of the aggression the legitimacy and legality of a State that is defending itself has been maintained. On the contrary, the proposed interim arrangements envisage the suspension of the democratically elected organs and the interruption of the continuity of the constitutional order.
3. This proposal produces two negative effects - it deprives the legally and democratically constituted organs of their legitimacy and at the same time it legalizes the "para-State" structures. Thus legitimate self-defence is negated and aggression is rewarded.
4. The document does not envisage any democratic and institutional framework for the elections of the representatives of three constituent peoples. It also ignores the group "others" and thus deprives a considerable part of the population of its basic democratic right to be represented in the Government. The proposal envisages decision-making by consensus in the coordinating bodies without offering any solution to overcome blockades when consensus cannot be reached. The proposal also ignores the existence of a series of other institutions which are a part of the legal system such as the Central Bank of Bosnia and Herzegovina, the Post and Telecommunications of Bosnia and Herzegovina, the National Power Authority, etc.
5. All these proposals suggest the completion of the ethnic division and of the destruction of Bosnia and Herzegovina that was started by the delimitation of provinces on the ethnic principles and was continued by the proposed constitutional arrangements.

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S/25248
English
Page 7

6. In order to avoid these and other negative consequences, we propose that the interim solutions be established according to the current constitutional arrangements.

7. According to amendment LXXIII to the Constitution of the Republic of Bosnia and Herzegovina, the Presidency of Bosnia and Herzegovina along with the President of the Parliament and the Government and the Commander-in-Chief of the Bosnia and Herzegovina Army has the role of the Parliament in the situation of war. This body, whose national composition can be balanced, can at the proposal of the International Conference on the Former Yugoslavia appoint an interim Government and establish its terms of reference as well as those of the proposed coordinating bodies. The same body can appoint the coordinating bodies of the provinces in the same way. The Presidency, enlarged for that purpose, would, on the basis of its current constitutional mandate, amend the existing Constitution by issuing a decree with the force of law. The composition of the interim Government, i.e. of another corresponding body, would be ethnically balanced, as envisaged by this proposal. No individual involved in the aggression, war crimes or crimes against humanity and international law could be appointed members of such a body.

8. Since it is impossible and unprecedented that one ministerial function is carried out by three people, the possible solutions are as follows:

(a) Either the representatives of the three nations alternate after a shorter term in office;

(b) The functions of the minister and his two deputies should be clearly defined.

9. These solutions are to be applied until the end of the war. Upon the establishment of peace, the Parliament and other legal institutions of the system should carry out their functions.

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Annex II



DR KARADZIC'S PROPOSAL FOR PROVINCE BOUNDARIES IN EASTERN BOSNIA

Annex III



1. Muslim
2. SERB
3. Croatian
4. SERB
5. MUSLIM
6. SERB
7. ~~SARAJEVO~~
8. CROAT
9. MUSLIM
10. Croat/MUSLIM



United Nations
THE INTERNATIONAL CONFERENCE ON THE FORMER YUGOSLAVIA
OFFICE OF THE CO-CHAIRMEN
New York, New York 10017
FAX N°. (212) 963-1992

FAX TRANSMISSION FORM

To: Hall/Boothby/Nyrop

Date: March 4, 1993

Page: 1 of 8

Fax No.: (41-22) 917-0079

From: Bertie G. Ramcharan

Tel. No.: (212) 963-8894

Room No.: S-3327

The following is transmitted for your information:

1. Agreement signed on 3 March between President Izetbegovic and Mr. Boban;
2. Signature page of Military Agreement as signed by President Izetbegovic;
3. Text of SC statement adopted on 3 March.

Agreement

President Izetbegovic, Dr. Silajdzic, Mr. Boban and Prime Minister Akmadzic hereby agree as follows:

1. Upon the signing of the comprehensive peace package by President Izetbegovic, both sides agree that all provinces will be considered a part of the Republic of Bosnia and Herzegovina and will not be considered national territories.
2. During the period of interim government, both sides agree to fully respect the authorized decisions of the Presidency and the Government of the Republic of Bosnia and Herzegovina.
3. Once the peace agreements have been signed, the parties agree to fly the current flag of the Republic of Bosnia and Herzegovina along the international borders of the Republic of Bosnia and Herzegovina and on all public buildings of Bosnia and Herzegovina until a flag has been agreed by all the parties under the new constitution.

4. The responsibilities of the Presidency, the Government of the Republic of Bosnia and Herzegovina and the Provinces will be in accordance with the letter and spirit of the Constitutional Principles agreed and signed by the parties.
5. In light of General Nambiar's letter dated March 1, 1993 on the control of heavy weapons, President Izetbegovic has agreed to sign the military agreement.
6. The parties agree that the institution of the Presidency shall be preserved during the period of interim government. There will be nine members on the interim Presidency, with three representatives from each of the three constituent peoples. Since the Republic of Bosnia and Herzegovina is to be demilitarized as provided for in Constitutional Principle No. 7, the Commander in Chief of the Armed Forces will not continue to serve in the interim Presidency.
7. The nine members of the interim Presidency shall designate one member to serve as President of the Presidency. The President will perform the role of

head of state. The position of President will rotate every six months among the three constituent peoples in accordance with the existing sequence of rotation (Muslim, Croat and Serb).

8. The interim Presidency will take its decisions by consensus of nine, by a qualified majority of seven or by a simple majority of five depending on whether the decision relates to a constitutional principle, or specially important questions, or to normal business of the Presidency. If the members of the interim Presidency are unable to agree on the applicable majority, they will consult the Co-Chairmen whose decision will be binding.
9. The parties have submitted the following six names to serve in the interim Presidency: Fikret Abdic, Mile Akmadzic, Franjo Boras, Ejup Ganic, Alija Izetbegovic and Miro Lasic. The Co-Chairmen will ask the Bosnian Serbs to propose three Serb representatives to serve on the Presidency.
10. The parties agree that in the interim period the continuity of the legal institutions of the Republic of Bosnia and Herzegovina will be preserved to the extent

possible and compatible with the nine Constitutional Principles.

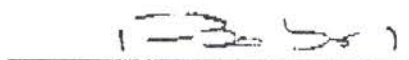
Dated: March 3, 1993



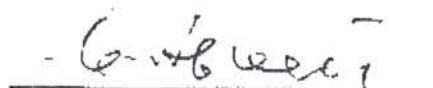
Alija Izetbegovic



Haris Silajdzic



Mate Boban



Mile Akmadzic

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UNPROFOR

1 March 1993

Excellency,

You will recall that you had some reservations about the control of heavy weapons in the Agreement on Cessation of Hostilities that was drafted in Geneva in early January 1993.

2. Since that agreement was drafted, there are indications that there will be a fairly substantial allocation of resources for implementation and, as such, I have conveyed to the Co-Chairmen the feasibility of placing the heavy weaponry of all the warring forces under United Nations control. I am sure this will dispel any remaining doubts you have and that will facilitate your endorsement of the Agreement.

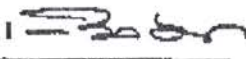
*With my warmest regards,
Yours sincerely,*

Lieutenant General Satish Nambiar
Force Commander

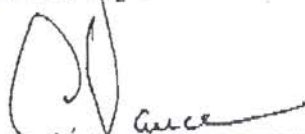
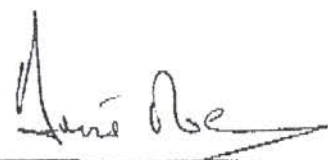

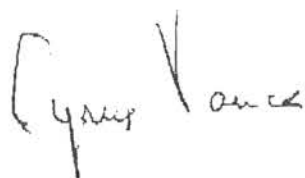
His Excellency
Mr. Alija Izetbegovic
President of the Presidency
Republic of Bosnia and Herzegovina

- 2 -

6. Measures for the monitoring of the borders of Bosnia and Herzegovina, as set out in Annex VI;
7. Return of forces to designated provinces, as set out in Annex VII.

A. IZETBEGOVIC
R. KARADZIC
M. BOBAN

Witnessed by:


C. VANCE
D. OWENGeneva, Jan 30 day of January, 1993
A. IZETBEGOVICNew York, 3rd day of March, 1993

Security Council
3180th Meeting (NIGHT)

- 2 -

Press Release SC/5564
3 March 1993

order to wipe out or drive out the peoples of Cerska and Srebrenica before American airdrops of aid could save them from starvation. Serbian forces had blocked all humanitarian land convoys and, in the last 72 hours, killed 2,000 civilians. Thousands of others had been displaced. The new attacks threatened the entire peace process and the efforts of those trying to save the people of eastern Bosnia.

The full text of the Council President's statement reads as follows:

"The Security Council, recalling all its relevant resolutions and statements, expresses its grave concern at and condemns the continuing unacceptable military attacks in eastern Bosnia and the resulting deterioration in the humanitarian situation in that region. It is appalled that, even as peace talks are continuing, attacks by Serb paramilitary units, including, reportedly, the killings of innocent civilians, continue in eastern Bosnia. In this connection, the Security Council is particularly concerned about the fall of the town of Cerska and the imminent fall of neighbouring villages. The Security Council demands that the killings and atrocities must stop and reaffirms that those guilty of crimes against international humanitarian law will be held individually responsible by the world community.

"The Security Council demands that the leaders of all the parties to the conflict in the Republic of Bosnia and Herzegovina remain fully engaged in New York in a sustained effort with the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia to reach quickly a fair and workable settlement. In this connection, the Security Council also demands that all sides immediately cease all forms of military action throughout the Republic of Bosnia and Herzegovina, cease acts of violence against civilians, comply with their previous commitments including the cease-fire, and redouble their efforts to settle the conflict.

"The Security Council further demands that the Bosnian Serb side as well as all other parties refrain from taking any action which might endanger the lives and well-being of the inhabitants of eastern Bosnia, particularly in the areas near the town of Cerska, and that all concerned allow the unimpeded access of humanitarian relief supplies throughout the Republic of Bosnia and Herzegovina, especially humanitarian access to the besieged cities of eastern Bosnia, and permit the evacuation of the wounded.

"Having determined in the relevant resolutions that this situation constitutes a threat to international peace and security, the Security Council insists that these steps must be taken immediately.

"The Security Council also request the Secretary-General to take immediate steps to increase UNPROFOR's presence in eastern Bosnia.

"The Security Council remains seized of the matter and is ready to meet at any moment to consider further action."

The meeting, which began at 8:47 p.m., adjourned at 8:56 p.m.

* * * * *



Security Council

Distr.
GENERAL

S/RES/762 (1992)
30 June 1992

RESOLUTION 762 (1992)

Adopted by the Security Council at its 3088th meeting,
on 30 June 1992

The Security Council,

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

Noting the report of the Secretary-General of 26 June 1992 submitted pursuant to resolution 752 (1992), 1/

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

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

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

1. Approves the report of the Secretary-General of 26 June 1992; 1/
2. Urges all parties and others concerned to honour their commitments to effect a complete cessation of hostilities and to implement the United Nations peace-keeping plan; 2/

1/ S/24188.

2/ S/23280, annex III.

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

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

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

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

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

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

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

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

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

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

ANNEX TO SEC. COUNCIL REPORT VANCE PLAN

S/23280
English
Page 15

Annex III

Concept for a United Nations peace-keeping operation in Yugoslavia, as discussed with Yugoslav leaders by the Honourable Cyrus R. Vance, Personal Envoy of the Secretary-General and Marrack Goulding, Under-Secretary-General for Special Political Affairs

November/December 1991

General principles

1. A United Nations peace-keeping operation in Yugoslavia would be an interim arrangement to create the conditions of peace and security required for the negotiation of an overall settlement of the Yugoslav crisis. It would not prejudice the outcome of such negotiations.
2. The operation would be established by the United Nations Security Council, acting on a recommendation by the Secretary-General. Before making such a recommendation, the Secretary-General would need to be satisfied that all concerned in the conflict were, in a serious and sustained way, abiding by the arrangements, including an unconditional cease-fire, agreed at Geneva on 23 November 1991. He would also need to receive, through his Personal Envoy, categorical assurances that all the Yugoslav parties concerned in the conflict accepted the concept which he intended to recommend to the Security Council and that they would provide all necessary assistance and cooperation to enable the peace-keeping operation to carry out its functions.
3. The military and police personnel required for the operation would be contributed, on a voluntary basis in response to a request from the Secretary-General, by the Governments of Member States of the United Nations. The contributing States would be approved by the Security Council, on the recommendation of the Secretary-General after consultation with the Yugoslav parties.
4. All members of the peace-keeping operation would be under the operational command of the Secretary-General and would not be permitted to receive operational orders from the national authorities. They would be required to be completely impartial between the various parties to the conflict. Those personnel who were armed would have standing instructions to use force to the minimum extent necessary and normally only in self-defence.
5. In accordance with its normal practice, the Security Council would probably establish the operation for an initial period of six months. Subject to the Council's agreement, the operation would remain in Yugoslavia until a negotiated settlement of the conflict was achieved. The Secretary-General would submit regular reports to the Security Council, normally every six months. These reports would contain his recommendations on extension of the operation's mandate.

/...

6. The operation would be financed collectively by the Member States of the United Nations. But the various Yugoslav authorities would be expected to make available to the United Nations, free of charge, as much as possible of the accommodation and other facilities and supplies, such as food and fuel, that would be required by the operation. They would also be asked to conclude with the United Nations agreements concerning the privileges, immunities and facilities which the operation and its members would need in order to carry out their functions, especially complete freedom of movement and communications.

Basic concept

United Nations troops and police monitors would be deployed in certain areas in Croatia, designated as "United Nations Protected Areas". These areas would be demilitarized; all armed forces in them would be either withdrawn or disbanded. The role of the United Nations troops would be to ensure that the areas remained demilitarized and that all persons residing in them were protected from fear of armed attack. The role of the United Nations police monitors would be to ensure that the local police forces carried out their duties without discriminating against persons of any nationality or abusing anyone's human rights. As the United Nations Force assumed its responsibilities in the United Nations Protected Areas (UNPAs), all JNA forces deployed elsewhere in Croatia would be relocated outside that republic. The United Nations Force would also, as appropriate, assist the humanitarian agencies of the United Nations in the return of all displaced persons who so desired to their homes in the UNPAs.

The United Nations Protected Areas

8. The UNPAs would be areas in Croatia in which the Secretary-General judged that special arrangements were required during an interim period to ensure that a lasting cease-fire was maintained. They would be areas in which Serbs constitute the majority or a substantial minority of the population and where inter-communal tensions have led to armed conflict in the recent past. As already stated, the special arrangements in these areas would be of an interim nature and would not prejudice the outcome of political negotiations for a comprehensive settlement of the Yugoslav crisis.

9. There would be three UNPAs: Eastern Slavonia, Western Slavonia and Krajina. They would comprise the following opstine or parts of opstine:

Eastern Slavonia: Beli Manastir
Those parts of Osijek which lie east of Osijek city
Vukovar
Certain villages in the extreme eastern part of
Vinkovci

Western Slavonia: Grubisno Polje
Daruvar
Pakrac
The western parts of Nova Gradiska
The eastern parts of Novska

Krajina: Kostajnica
Petrinja
Dvor
Glina
Vrgin Most
Vojnic
Slunj
Titova Korenica
Donji Lapac
Gracac
Obrovac
Benkovac
Knin

Before deployment of the Force began, the exact boundaries of the UNPAs would be decided by an advance party of the United Nations Force, after consulting local leaders.

The deployment and functions of the United Nations Force

10. The function of protecting the inhabitants of the UNPAs would be shared between the United Nations Force's infantry units and its civilian police monitors. The infantry would ensure that the UNPAs remained demilitarized. The police monitors would ensure that the local police carried out their duties without discrimination against any nationality and with full respect for the human rights of all residents of the UNPAs.

11. The infantry units would be deployed throughout the UNPAs. They would be lightly armed but would use armoured personnel carriers and helicopters. They would control access to the UNPAs by establishing check-points on all roads and principal tracks leading into them and at important junctions inside them. At these check-points they would stop and, if necessary, search vehicles and individuals to ensure that no military formations or armed groups entered the UNPAs and that no weapons, ammunition, explosives or other military equipment were brought into them. They would patrol extensively inside the UNPAs on foot, and by vehicle and helicopter. They would also investigate any complaints made to them about violations of the demilitarized status of the UNPAs. Any confirmed violations would be taken up with the offending party and would, if necessary, be reported by the Secretary-General to the Security Council. If serious tension were to develop between nationalities in a UNPA, the United Nations Force would interpose itself between the two sides in order to prevent hostilities.

12. The civilian police monitors would also be deployed throughout the UNPAs. They would be unarmed. They would have no executive responsibility for the maintenance of public order but they would closely monitor the work of the local police forces. To this end, they would be co-located with police headquarters in each region and opstina and would accompany the local police on their patrols and in their performance of their other duties. They would investigate any complaints of discrimination or other abuse of human rights and would report to the Chief of the United Nations Force any confirmed cases of discrimination or abuse. They would require free and immediate access to all premises and facilities of, or under the control of, the local police forces.

13. The United Nations Force would also include a group of military observers. They would be unarmed, in accordance with normal United Nations practice. They would initially be deployed in the UNPAs to verify the demilitarization of those areas. As soon as demilitarization had been effected, the military observers would be transferred to parts of Bosnia-Herzegovina adjacent to Croatia. Their functions there would be to patrol extensively, to liaise with the local authorities and to warn the Chief of the United Nations Force if inter-communal tension threatened to disturb the peace and tranquillity established by the Force in the UNPAs. Their good offices would be available to help resolve local difficulties and to investigate allegations of inter-communal tension or aggression. The exact locations in which the military observers would operate would be decided by the advance party of the United Nations Force, after consulting local authorities. There would also be a small detachment of military observers at Dubrovnik.

14. The military and police personnel of the United Nations Force would arrive in Yugoslavia as soon as possible after the Security Council decided to establish the Force. They would be deployed simultaneously in all three UNPAs. The Force's assumption of responsibility for the protection of these areas would be synchronized with the demilitarization process. To this end, close coordination would be required with the commanders of the forces currently deployed in each of the UNPAs and agreed timetables would be established in order to link deployment of the United Nations Force with the demilitarization of each area.

Demilitarization of the UNPAs

15. On the basis of the agreed timetables, demilitarization of the UNPAs would be implemented as rapidly as possible, in the following way:

(a) All units and personnel of the Yugoslav National Army (JNA) and the Croatian National Guard, as well as any Territorial Defence units or personnel not based in the UNPAs, would be withdrawn from them;

(b) All Territorial Defence units and personnel based in the UNPAs would be disbanded and demobilized. Disbandment would involve the temporary

dissolution of the units' command structures. Demobilization would mean that the personnel involved would cease to wear any uniform or carry any weapons, though they could continue to be paid by the local authorities;

(c) The weapons of the Territorial Defence units and personnel based in the UNPAs would be handed over to units of JNA or the Croatian National Guard, as the case might be, before those units withdrew from the UNPAs. Alternatively, they could be handed over to the United Nations Force for safe custody during the interim period, if that arrangement was preferred by the units concerned;

(d) All paramilitary, irregular or volunteer units or personnel would either be withdrawn from the UNPAs or, if resident in them, be disbanded and demobilized.

16. It would be the responsibility of each unit, before it withdrew or was disbanded, to remove any mines which it had laid while deployed in the UNPAs.

17. The implementation of the above arrangements for demilitarization of the UNPAs would be verified by the United Nations Force.

Relocation of the Yugoslav National Army

18. In parallel with the assumption by the United Nations Force of its protective functions in the UNPAs, any JNA units deployed elsewhere in Croatia would be relocated to places outside that republic. A timetable for this relocation would be agreed between the Chief of the United Nations Force and the Federal Secretary for National Defence of the Socialist Federal Republic of Yugoslavia. All Serbian territorial, paramilitary, irregular and volunteer units (other than those disbanded and demobilized in the UNPAs) would similarly withdraw from Croatia. These withdrawals would be verified by the military observers of the United Nations Force.

Local police forces

19. The maintenance of public order in the UNPAs would be the responsibility of local police forces who would carry only side-arms. Each of these forces would be formed from residents of the UNPA in question, in proportions reflecting the national composition of the population which lived in it before the recent hostilities. The local police forces would be responsible to the existing opstine councils in the UNPAs. Any existing regional police structures would remain in place, provided that they were consistent with the principle described above concerning the national composition of the local police forces.



Security Council

Distr.
GENERAL

S/REE/802 (1993)
25 January 1993

RESOLUTION 802 (1993)

Adopted by the Security Council at its
3163rd meeting, on 25 January 1993

The Security Council,

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

Reaffirming in particular its commitment to the United Nations peace-keeping plan (S/23280, annex III),

Deeply concerned by the information provided by the Secretary-General to the Security Council on 25 January 1993 on the rapid and violent deterioration of the situation in Croatia as a result of military attacks by Croatian armed forces on the areas under the protection of the United Nations Protection Force (UNPROFOR),

Strongly condemning those attacks which have led to casualties and loss of life in UNPROFOR, as well as among the civilian population,

Deeply concerned also by the lack of cooperation in recent months by the Serb local authorities in the areas under the protection of UNPROFOR, by the recent seizure by them of heavy weapons under UNPROFOR control, and by threats to widen the conflict,

1. Demands the immediate cessation of hostile activities by Croatian armed forces within or adjacent to the United Nations Protected Areas and the withdrawal of the Croatian armed forces from these areas;

2. Strongly condemns the attacks by these forces against UNPROFOR in the conduct of its duty of protecting civilians in the United Nations Protected Areas and demands their immediate cessation;

3. Demands also that the heavy weapons seized from the UNPROFOR-controlled storage areas be returned immediately to UNPROFOR;

**UNITED
NATIONS****S****Security Council**Distr.
GENERALS/RES/807 (1993)
19 February 1993

RESOLUTION 807 (1993)

Adopted by the Security Council at its 3174th meeting,
on 19 February 1993

The Security Council,

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

Having considered the report of the Secretary-General dated 10 February 1993 (S/25264 and Corr.1),

Deeply concerned by the lack of cooperation of the parties and others concerned in implementing the United Nations peace-keeping plan in Croatia (S/23280, Annex III),

Deeply concerned also by the recent and repeated violations by the parties and others concerned of their cease-fire obligations,

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

Taking note in that context of the Secretary-General's request to the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, mentioned in his report (S/25264 and Corr.1), to establish as soon as possible, through discussions with the parties, a basis on which UNPROFOR's mandate could be renewed,

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

1. Demands that the parties and others concerned comply fully with the United Nations peace-keeping plan in Croatia and with the other commitments they have undertaken and in particular with their cease-fire obligations;

S/RES/807 (1993)

Page 2

2. Demands further that the parties ~~and others concerned refrain from~~ positioning their forces in the proximity of UNPROFOR's units in the United Nations Protected Areas (UNPAs) and in the pink zones;

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

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

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

6. Urges the parties and others concerned fully to cooperate with the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia in the discussions under their auspices in order to ensure full implementation of the United Nations peace-keeping mandate in Croatia, including inter alia through the collection and supervision of heavy weapons by UNPROFOR and the appropriate withdrawal of forces;

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

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

9. Requests the Secretary-General to submit a report on the further extension of UNPROFOR's mandate, including financial estimates for all UNPROFOR's activities as proposed in his report of 10 February 1993 (S/25264 and Corr.1);

10. Decides to remain actively seized of the matter.

**UNITED
NATIONS****S****Security Council**Distr.
GENERALS/RES/808 (1993)
22 February 1993**RESOLUTION 808 (1993)**

Adopted by the Security Council at its 3175th meeting,
on 22 February 1993

The Security Council,

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

Recalling paragraph 10 of its resolution 764 (1992) of 13 July 1992, in which it reaffirmed that all parties are bound to comply with the obligations under international humanitarian law and in particular the Geneva Conventions of 12 August 1949, and that persons who commit or order the commission of grave breaches of the Conventions are individually responsible in respect of such breaches,

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

Recalling further its resolution 780 (1992) of 6 October 1992, in which it requested the Secretary-General to establish, as a matter of urgency, an impartial Commission of Experts to examine and analyse the information submitted pursuant to resolutions 771 (1992) and 780 (1992), together with such further information as the Commission of Experts may obtain, with a view to providing the Secretary-General with its conclusions on the evidence of grave breaches of the Geneva Conventions and other violations of international humanitarian law committed in the territory of the former Yugoslavia,

Having considered the interim report of the Commission of Experts established by resolution 780 (1992) (S/25274), in which the Commission observed that a decision to establish an ad hoc international tribunal in relation to events in the territory of the former Yugoslavia would be consistent with the direction of its work,

S/RES/808 (1993)

Page 2

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

Determining that this situation constitutes a threat to international peace and security,

Determined to put an end to such crimes and to take effective measures to bring to justice the persons who are responsible for them,

Convinced that in the particular circumstances of the former Yugoslavia the establishment of an international tribunal would enable this aim to be achieved and would contribute to the restoration and maintenance of peace,

Noting in this regard the recommendation by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia for the establishment of such a tribunal (S/25221),

Noting also with grave concern the "report of the European Community investigative mission into the treatment of Muslim women in the former Yugoslavia" (S/25240, annex I),

Noting further the report of the committee of jurists submitted by France (S/25266), the report of the commission of jurists submitted by Italy (S/25300), and the report transmitted by the Permanent Representative of Sweden on behalf of the Chairman-in-Office of the Conference on Security and Cooperation in Europe (CSCE) (S/25307),

1. Decides that an international tribunal shall be established for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991;

2. Requests the Secretary-General to submit for consideration by the Council at the earliest possible date, and if possible no later than 60 days after the adoption of the present resolution, a report on all aspects of this matter, including specific proposals and where appropriate options for the effective and expeditious implementation of the decision contained in paragraph 1 above, taking into account suggestions put forward in this regard by Member States;

3. Decides to remain actively seized of the matter.



EX-TCFM/6-92/RES-FINAL

القرار

RESOLUTION
ADOPTED BY

THE SIXTH EXTRAORDINARY SESSION OF THE
ISLAMIC CONFERENCE OF FOREIGN MINISTERS
HELD IN JEDDAH, KINGDOM OF SAUDI ARABIA
7-8 JUMADA AL-THANI, 1413H
1-2 DECEMBER 1992

47-1-

RESOLUTION NO. 1/6-EX
ON
THE SITUATION IN BOSNIA-HERZEGOVINA

Res.1/6-EX

- 2 -

RESOLUTION NO. 1/6-EX
ON
THE SITUATION IN BOSNIA-HERZEGOVINA

The Sixth Extraordinary Session of the Islamic Conference of Foreign Ministers held in Jeddah, Kingdom of Saudi Arabia from 7-8 Jumada Al-Thani 1413H (1-2 December, 1992),

PROCEEDING from the principles and objectives of the Charter of the Organization of the Islamic Conference;

BEARING IN MIND their commitment to act at all times in conformity with the principles and provisions contained in the Charter of the United Nations;

DEEPLY CONCERNED over the rapidly deteriorating situation in the Republic of Bosnia Herzegovina and other parts of former Yugoslavia, which constitutes a serious threat to international peace and security;

RECALLING Resolution No.1/5-EX on the situation in Bosnia Herzegovina adopted by the Fifth Extraordinary Session of the Islamic Conference of Foreign Ministers held in Istanbul on 16-17 Zul Hijjah 1412 H (17-18 June 1992);

RECALLING ALSO all the relevant resolutions adopted by the Security Council and General Assembly resolutions 46/242 and 47/1 regarding Bosnia Herzegovina and other parts of former Yugoslavia as well as those on violations of human rights and the provisions of the Geneva Conventions of 12 August 1949;

TAKING INTO ACCOUNT all the ongoing efforts for restoring peace in Bosnia Herzegovina particularly those being made by the United Nations, the European Community, the North Atlantic Treaty Organization, the West European Union, the Conference on Security and Cooperation in Europe regarding the implementation of the Security Council resolutions as well as those of the London Conference, which was attended by all parties concerned with the situation in Bosnia-Herzegovina and the Istanbul Conference of Balkan and Regional countries;

DEPLORING VIGOROUSLY the continued non compliance by Serbia and Montenegro with all relevant international resolutions and the intransigence of the Serbian leadership in not heeding to the call of the international community to cease forthwith its acts of armed aggression against the Republic of Bosnia Herzegovina, to withdraw immediately all units of the Yugoslav People's Army from the territory of that Republic, to renounce and stop all support to the Serbian irregular forces operating in the territory of the Republic of Bosnia-Herzegovina and the Republic of Croatia

Res.1/C-EX

-3-

to respect their sovereignty, territorial integrity, unity and political independence and to conform with the principles and norms of international law;

GRAVELY CONCERNED over the deteriorating situation in Bosnia Herzegovina due to large scale ground and air attacks against the population including the Bosnian Muslims and Croats by the Serbian forces deliberately aimed at defenceless civilians and accompanied by brutality and repression of unprecedented magnitude in pursuit of inhumane policy of "ethnic cleansing", which is a form of genocide;

DEEPLY DISTRESSED over the vast humanitarian dimensions of the problem, which is characterized by a consistent pattern of gross and systematic violations of human rights of the Muslims and Croats of Bosnia Herzegovina, a burgeoning refugee population resulting from the mass expulsion of these defenceless persons from their homes, the existence in Serbian controlled areas of concentration camps and detention centres are reminiscent of some of the saddest chapters in human history;

EXPRESSING its condemnation of the recent attacks on United Nations Protection Forces in Sarajevo by Serbian forces resulting in loss of life and injuries to some of its personnel;

ALARMED that the ongoing conflict in Bosnia-Herzegovina poses a grave risk of spilling over to adjacent areas and beyond, thus further threatening peace and stability in the Balkan region;

EXPRESSING its grave concern over the increasing tension in Kosovo, Vojvodina, the Sanjak and the Republic of Macedonia and alarmed at the prospects of the outbreak of violence in these areas which would have unforeseeable consequences and could lead to a wider regional conflagration;

RECALLING FURTHER that the Government of Bosnia-Herzegovina has accepted the constitutional principles proposed by the Co-Chairmen of the Geneva Conference on former Yugoslavia;

DEEPLY REGRETTING that the Serbian forces have not complied with the decisions of the London Conference and that the sanctions imposed by the Security Council have not had the desired effect of halting the aggression by Serb irregular forces and the Yugoslav People's Army;

Res.1/6-EX

-4-

STRONGLY DEPLORING that without an effective action to ensure their implementation, the Serbian forces have continued to defy the resolutions of the the Security Council and General Assembly and other international fora.

EMPHASIZING that it is necessary that any decisions of the U.N. Security Council or International Conference on former Yugoslavia should be followed by effective measures to ensure their full and strict implementation;

RECALLING that repelling aggression in the world is a collective international responsibility not exclusive of any region;

REAFFIRMING the principle of inadmissibility of acquisition of territory by force and the right of all Bosnian refugees to return to their homes in conditions of safety and honour.

CONVINCED that the situation in Bosnia Herzegovina warrants the implementation of decisive measures in conformity with the provisions of Chapter VII of the United Nations Charter particularly Article 42 to oblige Serbia and Montenegro to comply with the relevant Security Council resolutions;

REAFFIRMING that the Republic of Bosnia-Herzegovina has the inherent right of individual or collective self-defence in accordance with Article 51 of Chapter VII of the Charter of the United Nations;

DETERMINED to contribute meaningfully towards the success of the international efforts to restore peace in the Republic of Bosnia Herzegovina as well as to preserve its unity, sovereignty, political independence and territorial integrity;

- 1) NOTES with appreciation the report of the Secretary General on the situation in Bosnia-Herzegovina (Doc. No.EX-ICFM/6-92/D1);
- 2) REAFFIRMS all the provisions contained in Resolution No.1/5-EX on the situation in Bosnia Herzegovina adopted by the Fifth Extraordinary Session of the Islamic Conference of Foreign Ministers held in Istanbul on 16-17 Zul Hijjah 1412h (17-18 June 1992).
- 3) REAFFIRMS also its commitment to restoring peace in the Republic of Bosnia Herzegovina in accordance with relevant United Nations resolutions as well as safeguarding its unity, sovereignty, political independence and territorial integrity.

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Res.1/6-EX

-5-

- 4) STRONGLY CONDEMNS the Serbian aggression against the Republic of Bosnia Herzegovina and the Republic of Croatia and the non compliance of Serbia and Montenegro and the Serbian irregular forces with the relevant international resolutions.
- 5) CONDEMNS VIGOROUSLY the massive and flagrant violations of the human rights of the Bosnian people and considers the Serbian policy of "ethnic cleansing" and forcing the Muslims and Croats to leave their homes as intrinsically genocidal and a crime against humanity.
- 6) REQUESTS the Security Council to take necessary measures to ensure compliance of its relevant decisions banning military flights in the airspace of Bosnia-Herzegovina.
- 7) ALSO REQUESTS the Security Council to deploy U.N. forces on the Bosnian/Serbian and Bosnian/Montenegrin borders in order to monitor and prevent direct or indirect assistance to Serbian military and para military forces.
- 8) FURTHER REQUESTS the Security Council to immediately take measures deemed necessary against Serbia and Montenegro, including the use of force prescribed under Article 42 of Chapter VII of the United Nations Charter with a view to ensuring its full compliance with the relevant resolutions particularly resolutions 752 and 757 as well as to counter and deter further acts of external aggression against the Republic of Bosnia-Herzegovina.
- 9) URGES Member States to extend their cooperation to the Republic of Bosnia-Herzegovina in exercise of its inherent right of individual and collective self-defence in accordance with Article 51 of Chapter VII of the Charter of the United Nations.
- 10) FURTHER REQUESTS the Security Council to clarify and declare explicitly that the arms embargo against former Yugoslavia imposed by Resolution 713 does not apply to the Republic of Bosnia Herzegovina and to allow the immediate delivery of defensive arms to the Republic of Bosnia-Herzegovina by Member States.

Res.1/6-EX

-6-

- 11) REQUESTS the Security Council to review by 15 January, 1993, the situation in Bosnia Herzegovina and the implementation of the relevant Security Council Resolutions including Resolution 752 as well as of relevant commitments reached during the International Conference on former Yugoslavia (London Conference) and instructs the Contact Group of the OIC at the United Nations to follow up with the Security Council such review and advise the Member States on further measures, if any, that the OIC and its Member States can take with a view to responding positively to requests of the Republic of Bosnia-Herzegovina in accordance with Article 51 of the United Nations Charter and in conformity with paragraph 10 above.
- 12) DEPLORES the breaches of the comprehensive and mandatory sanctions imposed by the Security Council against Serbia and Montenegro and urges the Security Council to ensure full implementation of resolution 787 (1992) and especially to prevent supplies reaching Serbia through the Danube river.
- 13) REQUESTS the Member States to take appropriate measures individually and collectively in accordance with the U.N. Charter against those states which are willfully violating the UN sanctions against Serbia and Montenegro and further urges all member states to ensure that any transaction - economic or financial, direct or indirect - with Serbia and Montenegro are ceased until they fully comply with all relevant Security Council resolutions.
- 14) REQUESTS the Secretary General of the United Nations to intensify efforts aimed at reopening airports under the control of Bosnia-Herzegovina and specifically the airports of Tuzla and Bihac for providing humanitarian supplies to be flown in by international humanitarian organizations including airdrops where necessary.
- 15) SUPPORTS the ongoing efforts of the United Nations especially the commendable efforts of the UNHCR to ensure the delivery of humanitarian assistance to the people of Bosnia Herzegovina.
- 16) REQUESTS the United Nations and other relevant international organizations to consider urgently the introduction of Safe Areas in close consultation with all those involved in Bosnia-Herzegovina in the existing humanitarian effort to supply relief goods through road convoys and air lifts, but to do nothing which might encourage the Serbian policy of ethnic cleansing.

Res.1/6-EX

-7-

- 17) REQUESTS also the member states to assure the United Nations Secretary General and the Security Council of their readiness to contribute finances and personnel for implementing the decisions of the Security Council to restore peace in the Republic of Bosnia Herzegovina.
- 18) URGES the International Conference on former Yugoslavia, the European Community, the Conference on Security and Cooperation in Europe, the North Atlantic Treaty Organization, the West European Union and all others concerned to intensify their efforts to put an end to the aggression in the Republic of Bosnia Herzegovina and to act urgently and effectively to stop the Serbian plans of altering the demographic composition of Bosnia Herzegovina through ethnic cleansing.
- 19) WELCOMES the Report prepared by the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Bosnia-Herzegovina and requests the Commission to take necessary steps to ensure respect of human rights in Bosnia-Herzegovina.
- 20) REQUESTS the Security Council to act immediately to close all detention and concentration camps in Serbia and Montenegro and Bosnia-Herzegovina established by the Serbs; and until implementation to assign International Observers to these camps.
- 21) REQUESTS that the International Committee of the Red Cross be granted free access to all detention camps established by Serbs in Bosnia-Herzegovina, and to all persons imprisoned in these camps and that all prisoners be notified to it without delay.
- 22) CALLS for full respect by the belligerents of the Humanitarian Plan of Action adopted in the framework of the London Conference on 27 August 1992 and notably calls for the immediate release of prisoners in accordance with the Agreement signed in Geneva under the auspices of the International Committee of the Red Cross on 1 October 1992.
- 23) WARNS the Serb authorities as well as all persons who commit or order the commission of breaches of international humanitarian law in Bosnia-Herzegovina that they are individually responsible in respect of such breaches and could be punished for war crimes in accordance with the Geneva Conventions.

Res.1/6-EX

-6-

- 24) CALLS upon the United Nations to establish immediately an International War Crimes Tribunal to try and punish those who are guilty of crimes against humanity and war crimes in Bosnia-Herzegovina.
- 25) URGES the Security Council to give urgent consideration to deploying U.N. forces in Kosovo, Vojvodina, the Sanjak and the Republic of Macedonia so as to contain the extremely explosive situation prevailing in these areas.
- 26) WELCOMES the adoption by the General Assembly of a resolution on the exclusion of the Federal Republic of Yugoslavia (Serbia and Montenegro) from the work of the General Assembly and decides to exert all efforts to terminate the membership of former Yugoslavia (Serbia and Montenegro) at the level of all United Nations organs and institutions.
- 27) EXPRESSES its appreciation to those states and international institutions which have provided humanitarian assistance to the people of Bosnia Herzegovina and appeals to all member states to contribute generously towards alleviating their sufferings including assistance to refugee centers for Bosnian refugees in neighbouring countries particularly in Croatia.
- 28) COMMENDS the work of the OIC Contact Group on Bosnia-Herzegovina at the United Nations, New York.
- 29) REQUESTS the Secretary General to follow up the implementation of this Resolution and to report to the next Islamic Conference.

DR-Bosnia
DSK NO.6/GEOICFM

Res. 2/6-EX

- 17 -

22. Requests the Secretary General to follow up the implementation of this resolution and to submit a report thereon to the next Islamic Conference.

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Disk 6/6-EOICPM



EX-ICFM/6-92/RES-FINAL

القرار

RESOLUTION

ADOPTED BY

THE SIXTH EXTRAORDINARY SESSION OF THE
ISLAMIC CONFERENCE OF FOREIGN MINISTERS
HELD IN JEDDAH, KINGDOM OF SAUDI ARABIA
7-8 JUMADA AL-THANI, 1413H
1-2 DECEMBER 1992

- 1 -

RESOLUTION NO. 1/6-EX
ON
THE SITUATION IN BOSNIA-HERZEGOVINA

Res.1/6-EX

- 2 -

RESOLUTION NO. 1/6-EX
ON
THE SITUATION IN BOSNIA-HERZEGOVINA

The Sixth Extraordinary Session of the Islamic Conference of Foreign Ministers held in Jeddah, Kingdom of Saudi Arabia from 7-8 Jumada Al-Thani 1413H (1-2 December, 1992),

PROCEEDING from the principles and objectives of the Charter of the Organization of the Islamic Conference;

BEARING IN MIND their commitment to act at all times in conformity with the principles and provisions contained in the Charter of the United Nations;

DEEPLY CONCERNED over the rapidly deteriorating situation in the Republic of Bosnia Herzegovina and other parts of former Yugoslavia, which constitutes a serious threat to international peace and security;

RECALLING Resolution No.1/5-EX on the situation in Bosnia Herzegovina adopted by the Fifth Extraordinary Session of the Islamic Conference of Foreign Ministers held in Istanbul on 16-17 Zul Hijjah 1412 H (17-18 June 1992);

RECALLING ALSO all the relevant resolutions adopted by the Security Council and General Assembly resolutions 46/242 and 47/1 regarding Bosnia Herzegovina and other parts of former Yugoslavia as well as those on violations of human rights and the provisions of the Geneva Conventions of 12 August 1949;

TAKING INTO ACCOUNT all the ongoing efforts for restoring peace in Bosnia Herzegovina particularly those being made by the United Nations, the European Community, the North Atlantic Treaty Organization, the West European Union, the Conference on Security and Cooperation in Europe regarding the implementation of the Security Council resolutions as well as those of the London Conference, which was attended by all parties concerned with the situation in Bosnia-Herzegovina and the Istanbul Conference of Balkan and Regional countries;

DEPLORING VIGOROUSLY the continued non compliance by Serbia and Montenegro with all relevant international resolutions and the intransigence of the Serbian leadership in not heeding to the call of the international community to cease forthwith its acts of armed aggression against the Republic of Bosnia Herzegovina, to withdraw immediately all units of the Yugoslav People's Army from the territory of that Republic, to renounce and stop all support to the Serbian irregular forces operating in the territory of the Republic of Bosnia-Herzegovina and the Republic of Croatia

Res.1/6-EX

-3-

to respect their sovereignty, territorial integrity, unity and political independence and to conform with the principles and norms of international law;

GRAVELY CONCERNED over the deteriorating situation in Bosnia Herzegovina due to large scale ground and air attacks against the population including the Bosnian Muslims and Croats by the Serbian forces deliberately aimed at defenceless civilians and accompanied by brutality and repression of unprecedented magnitude in pursuit of inhumane policy of "ethnic cleansing", which is a form of genocide;

DEEPLY DISTRESSED over the vast humanitarian dimensions of the problem, which is characterized by a consistent pattern of gross and systematic violations of human rights of the Muslims and Croats of Bosnia Herzegovina, a burgeoning refugee population resulting from the mass expulsion of these defenceless persons from their homes, the existence in Serbian controlled areas of concentration camps and detention centres are reminiscent of some of the saddest chapters in human history;

EXPRESSING its condemnation of the recent attacks on United Nations Protection Forces in Sarajevo by Serbian forces resulting in loss of life and injuries to some of its personnel;

ALARMED that the ongoing conflict in Bosnia-Herzegovina poses a grave risk of spilling over to adjacent areas and beyond, thus further threatening peace and stability in the Balkan region;

EXPRESSING its grave concern over the increasing tension in Kosovo, Vojvodina, the Sanjak and the Republic of Macedonia and alarmed at the prospects of the outbreak of violence in these areas which would have unforeseeable consequences and could lead to a wider regional conflagration;

RECALLING FURTHER that the Government of Bosnia-Herzegovina has accepted the constitutional principles proposed by the Co-Chairmen of the Geneva Conference on former Yugoslavia;

DEEPLY REGRETTING that the Serbian forces have not complied with the decisions of the London Conference and that the sanctions imposed by the Security Council have not had the desired effect of halting the aggression by Serb irregular forces and the Yugoslav People's Army;

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Res.1/6-EX

-4-

STRONGLY DEPLORING that without an effective action to ensure their implementation, the Serbian forces have continued to defy the resolutions of the the Security Council and General Assembly and other international fora.

EMPHASIZING that it is necessary that any decisions of the U.N. Security Council or International Conference on former Yugoslavia should be followed by effective measures to ensure their full and strict implementation;

RECALLING that repelling aggression in the world is a collective international responsibility not exclusive of any region;

REAFFIRMING the principle of inadmissibility of acquisition of territory by force and the right of all Bosnian refugees to return to their homes in conditions of safety and honour.

CONVINCED that the situation in Bosnia Herzegovina warrants the implementation of decisive measures in conformity with the provisions of Chapter VII of the United Nations Charter particularly Article 42 to oblige Serbia and Montenegro to comply with the relevant Security Council resolutions;

REAFFIRMING that the Republic of Bosnia-Herzegovina has the inherent right of individual or collective self-defence in accordance with Article 51 of Chapter VII of the Charter of the United Nations;

DETERMINED to contribute meaningfully towards the success of the international efforts to restore peace in the Republic of Bosnia Herzegovina as well as to preserve its unity, sovereignty, political independence and territorial integrity;

- 1) NOTES with appreciation the report of the Secretary General on the situation in Bosnia-Herzegovina (Doc. No.EX-ICFM/6-92/D1);
- 2) REAFFIRMS all the provisions contained in Resolution No.1/5-EX on the situation in Bosnia Herzegovina adopted by the Fifth Extraordinary Session of the Islamic Conference of Foreign Ministers held in Istanbul on 16-17 Zul Hijjah 1412h (17-18 June 1992).
- 3) REAFFIRMS also its commitment to restoring peace in the Republic of Bosnia Herzegovina in accordance with relevant United Nations resolutions as well as safeguarding its unity, sovereignty, political independence and territorial integrity.

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Res.1/6-EX

-5-

- 4) STRONGLY CONDEMNS the Serbian aggression against the Republic of Bosnia Herzegovina and the Republic of Croatia and the non compliance of Serbia and Montenegro and the Serbian irregular forces with the relevant international resolutions.
- 5) CONDEMNS VIGOROUSLY the massive and flagrant violations of the human rights of the Bosnian people and considers the Serbian policy of "ethnic cleansing" and forcing the Muslims and Croats to leave their homes as intrinsically genocidal and a crime against humanity.
- 6) REQUESTS the Security Council to take necessary measures to ensure compliance of its relevant decisions banning military flights in the airspace of Bosnia-Herzegovina.
- 7) ALSO REQUESTS the Security Council to deploy U.N. forces on the Bosnian/Serbian and Bosnian/Montenegrin borders in order to monitor and prevent direct or indirect assistance to Serbian military and para military forces.
- 8) FURTHER REQUESTS the Security Council to immediately take measures deemed necessary against Serbia and Montenegro, including the use of force prescribed under Article 42 of Chapter VII of the United Nations Charter with a view to ensuring its full compliance with the relevant resolutions particularly resolutions 752 and 757 as well as to counter and deter further acts of external aggression against the Republic of Bosnia-Herzegovina.
- 9) URGES Member States to extend their cooperation to the Republic of Bosnia-Herzegovina in exercise of its inherent right of individual and collective self-defence in accordance with Article 51 of Chapter VII of the Charter of the United Nations.
- 10) FURTHER REQUESTS the Security Council to clarify and declare explicitly that the arms embargo against former Yugoslavia imposed by Resolution 713 does not apply to the Republic of Bosnia Herzegovina and to allow the immediate delivery of defensive arms to the Republic of Bosnia-Herzegovina by Member States.

Res.1/6-EX

-6-

- 11) REQUESTS the Security Council to review by 15 January, 1993, the situation in Bosnia Herzegovina and the implementation of the relevant Security Council Resolutions including Resolution 752 as well as of relevant commitments reached during the International Conference on former Yugoslavia (London Conference) and instructs the Contact Group of the OIC at the United Nations to follow up with the Security Council such review and advise the Member States on further measures, if any, that the OIC and its Member States can take with a view to responding positively to requests of the Republic of Bosnia-Herzegovina in accordance with Article 51 of the United Nations Charter and in conformity with paragraph 10 above.
- 12) DEPLORES the breaches of the comprehensive and mandatory sanctions imposed by the Security Council against Serbia and Montenegro and urges the Security Council to ensure full implementation of resolution 787 (1992) and especially to prevent supplies reaching Serbia through the Danube river.
- 13) REQUESTS the Member States to take appropriate measures individually and collectively in accordance with the U.N. Charter against those states which are willfully violating the UN sanctions against Serbia and Montenegro and further urges all member states to ensure that any transaction - economic or financial, direct or indirect - with Serbia and Montenegro are ceased until they fully comply with all relevant Security Council resolutions.
- 14) REQUESTS the Secretary General of the United Nations to intensify efforts aimed at reopening airports under the control of Bosnia-Herzegovina and specifically the airports of Tuzla and Bihać for providing humanitarian supplies to be flown in by international humanitarian organizations including airdrops where necessary.
- 15) SUPPORTS the ongoing efforts of the United Nations especially the commendable efforts of the UNHCR to ensure the delivery of humanitarian assistance to the people of Bosnia-Herzegovina.
- 16) REQUESTS the United Nations and other relevant international organizations to consider urgently the introduction of Safe Areas in close consultation with all those involved in Bosnia-Herzegovina in the existing humanitarian effort to supply relief goods through road convoys and air lifts, but to do nothing which might encourage the Serbian policy of ethnic cleansing.

Res.1/6-EX

-7-

- 17) REQUESTS also the member states to assure the United Nations Secretary General and the Security Council of their readiness to contribute finances and personnel for implementing the decisions of the Security Council to restore peace in the Republic of Bosnia Herzegovina.
- 18) URGES the International Conference on former Yugoslavia, the European Community, the Conference on Security and Cooperation in Europe, the North Atlantic Treaty Organization, the West European Union and all others concerned to intensify their efforts to put an end to the aggression in the Republic of Bosnia Herzegovina and to act urgently and effectively to stop the Serbian plans of altering the demographic composition of Bosnia Herzegovina through ethnic cleansing.
- 19) WELCOMES the Report prepared by the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Bosnia-Herzegovina and requests the Commission to take necessary steps to ensure respect of human rights in Bosnia-Herzegovina.
- 20) REQUESTS the Security Council to act immediately to close all detention and concentration camps in Serbia and Montenegro and Bosnia-Herzegovina established by the Serbs; and until implementation to assign International Observers to these camps.
- 21) REQUESTS that the International Committee of the Red Cross be granted free access to all detention camps established by Serbs in Bosnia-Herzegovina, and to all persons imprisoned in these camps and that all prisoners be notified to it without delay.
- 22) CALLS for full respect by the belligerents of the Humanitarian Plan of Action adopted in the framework of the London Conference on 27 August 1992 and notably calls for the immediate release of prisoners in accordance with the Agreement signed in Geneva under the auspices of the International Committee of the Red Cross on 1 October 1992.
- 23) WARNS the Serb authorities as well as all persons who commit or order the commission of breaches of international humanitarian law in Bosnia-Herzegovina that they are individually responsible in respect of such breaches and could be punished for war crimes in accordance with the Geneva Conventions.

Res.1/6-EX

-8-

- 24) CALLS upon the United Nations to establish immediately an International War Crimes Tribunal to try and punish those who are guilty of crimes against humanity and war crimes in Bosnia-Herzegovina.
- 25) URGES the Security Council to give urgent consideration to deploying U.N. forces in Kosovo, Vojvodina, the Sanjak and the Republic of Macedonia so as to contain the extremely explosive situation prevailing in these areas.
- 26) WELCOMES the adoption by the General Assembly of a resolution on the exclusion of the Federal Republic of Yugoslavia (Serbia and Montenegro) from the work of the General Assembly and decides to exert all efforts to terminate the membership of former Yugoslavia (Serbia and Montenegro) at the level of all United Nations organs and institutions.
- 27) EXPRESSES its appreciation to those states and international institutions which have provided humanitarian assistance to the people of Bosnia Herzegovina and appeals to all member states to contribute generously towards alleviating their sufferings including assistance to refugee centers for Bosnian refugees in neighbouring countries particularly in Croatia.
- 28) COMMENDS the work of the OIC Contact Group on Bosnia-Herzegovina at the United Nations, New York.
- 29) REQUESTS the Secretary General to follow up the implementation of this Resolution and to report to the next Islamic Conference.

DR-Bosnia
DSK NO.6/EOICFM

Res.2/6-EX

- 17 -

22. Requests the Secretary General to follow up the implementation of this resolution and to submit a report thereon to the next Islamic Conference.

DR2

Disk 6/6-EOICPM

Summary of Security Council Resolutions
Regarding the Former Yugoslavia

<u>Number</u>	<u>Date</u>	<u>Brief Description</u>
787	November 16, 1992	Prohibits transshipment of crude oil and petroleum products. Orders enforcement of ban on shipping. Requests report on feasibility of safe havens.
786	November 10, 1992	Welcomes deployment of UN observers at airports and reiterates commitment to enforce no-fly resolution
781	October 9, 1992	Establishes ban on military flights . Requests SG to report any evidence of violations.
780	October 6, 1992	Establishes Commission of Experts to examine evidence of war crimes.
779	October 6, 1992	Authorizes UNPROFOR to monitor (1) Peruca Dam and (2) FRY withdrawal from Prevlaka.
777	September 19, 1992	Declares FRY cannot automatically continue membership of former SFRY in UN. General Assembly to decide.
776	September 14, 1992	Authorizes enlargement of UN mandate to, <u>inter alia</u> , protect convoys of released detainees.
771	August 13, 1992	Reaffirms that all parties bound by Geneva convention and condemns practice of ethnic cleansing.
770	August 13, 1992	Demands unimpeded access to prison camps and detention centers for ICRC.
769	August 7, 1992	Condemns abuses against civilian population and authorizes enlargement of mandate.
764	July 13, 1992	Authorizes deployment of additional UN forces around Sarajevo airport.
762	June 30, 1992	Authorizes additional 60 military observers and 120 civilian police.

<u>Number</u>	<u>Date</u>	<u>Brief Description</u>
761	June 29, 1992	Authorizes deployment of additional troops around Sarajevo airport.
760	June 18, 1992	Establishes "no objection" procedure for sanctions committee.
758	June 8, 1992	Condemns violations of cease fire agreement. Proposes security zone at Sarajevo airport to aid delivery of humanitarian relief.
757	May 30, 1992	Lengthy resolution imposing sanctions against FRY . Permits transshipment of goods through FRY.
752	May 15, 1992	Calls upon parties to cease forcible expulsions to affect change in ethnic composition.
749	April 7, 1992	Authorizes earliest possible deployment of UNPROFOR.
743	February 21, 1992	Authorizes establishment of peacekeeping force.
740	February 7, 1992	Requests SG to expedite preparations for peace-keeping operation.
727	January 8, 1992	Welcomes signing of Implementing Accord at Sarajevo on January 2, 1992.
724	December 15, 1991	Requests states to outline steps taken to enforce arms embargo.
721	November 27, 1991	Confirms that deployment of peacekeeping operation cannot go forward without full support of all sides.
713	September 25, 1991	Decides under Chapter VII to impose embargo on all weapons and military equipment to the former Yugoslavia.

CNZ 401 CYZ 229 P3/7

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/RES/787 (1992)
16 November 1992

RESOLUTION 787 (1992)

Adopted by the Security Council at its 3137th meeting,
on 16 November 1992

The Security Council,

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

Reaffirming its determination that the situation in the Republic of Bosnia and Herzegovina constitutes a threat to the peace, and reaffirming that the provision of humanitarian assistance in the Republic of Bosnia and Herzegovina is an important element in the Security Council's effort to restore peace and security in the region,

Deeply concerned at the threats to the territorial integrity of the Republic of Bosnia and Herzegovina, which, as a State Member of the United Nations, enjoys the rights provided for in the Charter of the United Nations,

Reaffirming also its full support for the International Conference on the Former Yugoslavia as the framework within which an overall political settlement of the crisis in the former Yugoslavia may be achieved, and for the work of the Co-Chairmen of the Steering Committee of the Conference,

Recalling the decision by the International Conference on the Former Yugoslavia to examine the possibility of promoting safe areas for humanitarian purposes,

Recalling the commitments entered into by the parties and others concerned within the framework of the International Conference on the Former Yugoslavia,

Reiterating its call on all parties and others concerned to cooperate fully with the Co-Chairmen of the Steering Committee,

Noting the progress made so far within the framework of the International Conference, including the Joint Declarations signed at Geneva on

CNZ 401 CYZ 229 P4/7

S/RES/787 (1992)

Page 2

30 September 1992 1/ and 20 October 1992 2/ by the Presidents of the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro); the Joint Statement made at Geneva on 19 October 1992 by the Presidents of the Republic of Bosnia and Herzegovina and the Federal Republic of Yugoslavia (Serbia and Montenegro); 3/ the Joint Communiqué issued on 1 November 1992 at Zagreb by the Presidents of the Republic of Croatia and the Republic of Bosnia and Herzegovina; 4/ the establishment of the Mixed Military Working Group in the Republic of Bosnia and Herzegovina; and the production of a draft outline constitution for the Republic of Bosnia and Herzegovina, 5/

Noting with grave concern the report of the Special Rapporteur appointed following a special session of the Commission on Human Rights to investigate the human rights situation in the former Yugoslavia, which makes clear that massive and systematic violations of human rights and grave violations of international humanitarian law continue in the Republic of Bosnia and Herzegovina,

Welcoming the deployment of additional elements of the United Nations Protection Force for the protection of humanitarian activities in the Republic of Bosnia and Herzegovina, in accordance with its resolution 776 (1992) of 14 September 1992,

Deeply concerned about reports of continuing violations of the embargo imposed by its resolutions 713 (1991) and 724 (1991) of 15 December 1991,

Deeply concerned also about reports of violations of the measures imposed by its resolution 757 (1992) of 30 May 1992,

1. Calls upon the parties in the Republic of Bosnia and Herzegovina to consider the draft outline constitution as a basis for negotiating a political settlement of the conflict in that country and to continue negotiations for constitutional arrangements on the basis of the draft outline, under the auspices of the Co-Chairmen of the Steering Committee, these negotiations to be held in continuous and uninterrupted session;

2. Reaffirms that any taking of territory by force or any practice of "ethnic cleansing" is unlawful and unacceptable, and will not be permitted to affect the outcome of the negotiations on constitutional arrangements for the

1/ S/24476, annex.

2/ S/24704, annex.

3/ S/24702, annex.

4/ S/24748, annex.

5/ S/24795, annex VII.

CNZ 401 CYZ 229 P5/7

S/RES/787 (1992)

Page 3

Republic of Bosnia and Herzegovina, and insists that all displaced persons be enabled to return in peace to their former homes;

3. Strongly reaffirms its call on all parties and others concerned to respect strictly the territorial integrity of the Republic of Bosnia and Herzegovina, and affirms that any entities unilaterally declared or arrangements imposed in contravention thereof will not be accepted;

4. Condemns the refusal of all parties in the Republic of Bosnia and Herzegovina, in particular the Bosnian Serb paramilitary forces, to comply with its previous resolutions, and demands that they and all other concerned parties in the former Yugoslavia fulfil immediately their obligations under those resolutions;

5. Demands that all forms of interference from outside the Republic of Bosnia and Herzegovina, including infiltration into the country of irregular units and personnel, cease immediately, and reaffirms its determination to take measures against all parties and others concerned which fail to fulfil the requirements of resolution 752 (1992) and its other relevant resolutions, including the requirement that all forces, in particular elements of the Croatian army, be withdrawn, or be subject to the authority of the Government of the Republic of Bosnia and Herzegovina, or be disbanded or disarmed;

6. Calls upon all parties in the Republic of Bosnia and Herzegovina to fulfil their commitments to put into effect an immediate cessation of hostilities and to negotiate in the Mixed Military Working Group, continuously and in uninterrupted session, to end the blockades of Sarajevo and other towns and to demilitarize them, with heavy weapons under international supervision;

7. Condemns all violations of international humanitarian law, including in particular the practice of "ethnic cleansing" and the deliberate impeding of the delivery of food and medical supplies to the civilian population of the Republic of Bosnia and Herzegovina, and reaffirms that those that commit or order the commission of such acts will be held individually responsible in respect of such acts;

8. Welcomes the establishment of the Commission of Experts provided for in paragraph 2 of its resolution 780 (1992) of 6 October 1992, and requests the Commission to pursue actively its investigations with regard to grave breaches of the Geneva Conventions and other violations of international humanitarian law committed in the territory of the former Yugoslavia, in particular the practice of "ethnic cleansing";

9. Decides, acting under Chapter VII of the Charter of the United Nations, in order to ensure that commodities and products transshipped through the Federal Republic of Yugoslavia (Serbia and Montenegro) are not diverted in violation of resolution 757 (1992), to prohibit the transshipment of crude oil, petroleum products, coal, energy-related equipment, iron, steel, other metals, chemicals, rubber, tyres, vehicles, aircraft and motors of all types unless such transshipment is specifically authorized on a case-by-case basis

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CNZ 401 CYZ 229 P6/7

S/RES/787 (1992)

Page 4

by the Committee established by resolution 724 (1991) under its no-objection procedure;

10. Further decides, acting under Chapter VII of the Charter of the United Nations, that any vessel in which a majority or controlling interest is held by a person or undertaking in or operating from the Federal Republic of Yugoslavia (Serbia and Montenegro) shall be considered, for the purpose of implementation of the relevant resolutions of the Security Council, a vessel of the Federal Republic of Yugoslavia (Serbia and Montenegro) regardless of the flag under which the vessel sails;

11. Calls upon all States to take all necessary steps to ensure that none of their exports are diverted to the Federal Republic of Yugoslavia (Serbia and Montenegro) in violation of resolution 757 (1992);

12. Acting under Chapters VII and VIII of the Charter of the United Nations, calls upon States, acting nationally or through regional agencies or arrangements, to use such measures commensurate with the specific circumstances as may be necessary under the authority of the Security Council to halt all inward and outward maritime shipping in order to inspect and verify their cargoes and destinations and to ensure strict implementation of the provisions of resolutions 713 (1991) and 757 (1992);

13. Commends the efforts of those riparian States which are acting to ensure compliance with resolutions 713 (1991) and 757 (1992) with respect to shipments on the Danube, and reaffirms the responsibility of riparian States to take necessary measures to ensure that shipping on the Danube is in accordance with resolutions 713 (1991) and 757 (1992), including such measures commensurate with the specific circumstances as may be necessary to halt such shipping in order to inspect and verify their cargoes and destinations and to ensure strict implementation of the provisions of resolutions 713 (1991) and 757 (1992);

14. Requests the States concerned, nationally or through regional agencies or arrangements, to coordinate with the Secretary-General inter alia on the submission of reports to the Security Council regarding actions taken in pursuance of paragraphs 12 and 13 of the present resolution to facilitate the monitoring of the implementation of the present resolution;

15. Requests all States to provide in accordance with the Charter of the United Nations such assistance as may be required by those States acting nationally or through regional agencies and arrangements in pursuance of paragraphs 12 and 13 of the present resolution;

16. Considers that, in order to facilitate the implementation of the relevant Security Council resolutions, observers should be deployed on the borders of the Republic of Bosnia and Herzegovina, and requests the Secretary-General to present to the Council as soon as possible his recommendations on this matter;

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CNZ 401 CYZ 229 P7/7.

S/RES/787 (1992)

Page 5

17. Calls upon all international donors to contribute to the humanitarian relief efforts in the former Yugoslavia, to support the United Nations Consolidated Inter-Agency Programme of Action and Appeal for the former Yugoslavia and to speed up the delivery of assistance under existing pledges;

18. Calls upon all parties and others concerned to cooperate fully with the humanitarian agencies and with the United Nations Protection Force to ensure the safe delivery of humanitarian assistance to those in need of it, and reiterates its demand that all parties and others concerned take the necessary measures to ensure the safety of United Nations and other personnel engaged in the delivery of humanitarian assistance;

19. Invites the Secretary-General, in consultation with the United Nations High Commissioner for Refugees and other relevant international humanitarian agencies, to study the possibility of and the requirements for the promotion of safe areas for humanitarian purposes;

20. Expresses its appreciation for the report presented to the Council by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, and requests the Secretary-General to continue to keep the Council regularly informed of developments and of the work of the Conference;

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



Security Council

Distr.
GENERAL

S/RES/786 (1992)
10 November 1992

RESOLUTION 786 (1992)

Adopted by the Security Council at its 3133rd meeting,
on 10 November 1992

The Security Council,

Reaffirming its resolution 781 (1992) of 9 October 1992,

Taking note of the report of the Secretary-General of 5 November 1992 (S/24767 and Add.1) and his subsequent letter of 6 November 1992 (S/24783) submitted pursuant to resolution 781 (1992),

Considering that the establishment of a ban on military flights in the airspace of Bosnia and Herzegovina constitutes an essential element for the safety of the delivery of humanitarian assistance and a decisive step for the cessation of hostilities in Bosnia and Herzegovina,

Taking into account the need for a speedy deployment of monitors on the ground for observation and verification purposes,

Gravely concerned at the indication in the Secretary-General's letter of 6 November 1992 of possible violations of its resolution 781 (1992) and of the impossibility of corroborating the information on such violations by technical means presently available to the United Nations Protection Force,

Determined to ensure the safety of humanitarian flights to Bosnia and Herzegovina,

1. Welcomes the current advance deployment of military observers of the United Nations Protection Force and the European Community Monitoring Mission at airfields in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro);

2. Reaffirms its ban on military flights in the airspace of Bosnia and Herzegovina, which applies to all flights, whether of fixed-wing or rotary-wing aircraft, subject to the exceptions contained in paragraph 1 of its resolution 781 (1992), and reiterates that all parties and others concerned must comply with this ban;

3. Endorses the general concept of operations described in the Secretary-General's report and calls on all parties and others concerned, including all Governments operating aircraft in the area, to cooperate fully with the United Nations Protection Force in its implementation;

4. Calls upon all parties and others concerned henceforth to direct all requests for authorizations of flights pursuant to paragraph 3 of its resolution 781 (1992) to the United Nations Protection Force, with special provisions being made for flights of the United Nations Protection Force, and all other flights in support of United Nations operations, including humanitarian assistance;

5. Approves the recommendation in paragraph 10 of the Secretary-General's report that the strength of the United Nations Protection Force be increased, as proposed in paragraph 5 of the report, in order to permit it to implement the concept of operations;

6. Reiterates its determination to consider urgently, in the case of violations when further reported to it in accordance with its resolution 781 (1992), the further measures necessary to enforce the ban on military flights in the airspace of Bosnia and Herzegovina;

7. Decides to remain actively seized of the matter.



Security Council

Distr.
GENERALS/24767
5 November 1992

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL PURSUANT TO SECURITY
COUNCIL RESOLUTION 781 (1992)

I. INTRODUCTION

1. In paragraph 1 of its resolution 781 (1992), the Security Council decided to establish a ban on military flights in the airspace of Bosnia and Herzegovina, which would not apply to United Nations Protection Force (UNPROFOR) flights or to other flights in support of United Nations operations, including humanitarian assistance. In paragraph 2 of that resolution, the Security Council requested UNPROFOR "to monitor compliance with the ban on military flights, including the placement of observers where necessary at air fields in the territory of the former Yugoslavia". In paragraph 3 the Security Council further requested UNPROFOR "to ensure, through an appropriate mechanism for approval and inspection, that the purpose of flights to and from Bosnia and Herzegovina other than those banned is consistent with Security Council resolutions". In paragraph 5 of the same resolution, the Security Council called upon States to take nationally, or through regional agencies or arrangements, all measures necessary to provide assistance to UNPROFOR, based on technical monitoring and other capabilities, for the purposes of paragraph 2 of the resolution. The present report is submitted in order to inform the Security Council of the measures recommended or already taken to implement that resolution.

II. CONCEPT OF OPERATIONS

2. In order to monitor compliance with the ban on military flights in the airspace of Bosnia and Herzegovina and to approve and inspect non-military flights to and from that Republic, UNPROFOR has developed a concept that combines the deployment of military observers at selected airfields with information obtained from technical sources.

3. The concept includes the following elements:

(a) A Monitoring Coordination and Control Centre (MCCC), which has already been established at UNPROFOR headquarters in Zagreb, will be responsible for all UNPROFOR activities arising from resolution 781 (1992);

MSE 1980-11

S/24767

English

Page 2

3/5

(b) All flights, whether of fixed or rotary-wing aircraft, using the airspace of Bosnia and Herzegovina will be required to obtain prior approval from MCCC. The United Nations High Commissioner for Refugees (UNHCR) has attached liaison personnel to MCCC for the clearance of humanitarian assistance flights. UNPROFOR is currently establishing guidelines as to what categories of non-military flights, other than those for humanitarian assistance, will be permitted in accordance with the provisions of resolution 781 (1992);

(c) All flights with destinations in Bosnia and Herzegovina will be required to depart from Belgrade, Zagreb or Split, where they will be inspected. The last-named airfield will be reserved for humanitarian assistance flights, which will be inspected by UNHCR. Inspections in Belgrade will be undertaken by UNPROFOR civilian police. Inspections in Zagreb will be the responsibility of the European Community Monitoring Mission (ECMM), it having been agreed with the presidency of the European Community that in matters relating to resolution 781 (1992) the ECMM will be tasked by and report to UNPROFOR;

(d) Teams of up to five observers each will be deployed at the following 13 airfields in Croatia, Bosnia and Herzegovina, and the Federal Republic of Yugoslavia (Serbia and Montenegro):

Croatia

Pula

Split

Varazdin

Zagreb

Bosnia and Herzegovina

Banja Luka (two airfields)

Cazin

Tuzla

Federal Republic of Yugoslavia (Serbia and Montenegro)

Batajnica

Kraljevo

Podgorica

Pristina

Surcin

The observers at Pula, Split and Varazdin will be provided by ECMM. At Zagreb and the airfields in Bosnia and Herzegovina and the Federal Republic of Yugoslavia (Serbia and Montenegro) the task will be undertaken by UNPROFOR military observers. The Federal Republic of Yugoslavia (Serbia and Montenegro) has also accepted the extension of UNPROFOR monitoring to the Nis, Ponikve and Berane airfields, as well as to other airfields to which UNPROFOR might seek access from the General Staff of the Yugoslav Armed Forces;

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MSF 1980-11

CF/5

S/24767
English
Page 3

(e) The observer teams will monitor all flight movements at the airfields concerned and inspect on arrival and departure aircraft whose flights into or out of Bosnia and Herzegovina have been approved by UNPROFOR. They will also have a mobile component and may be deployed to other airfields if it becomes known that these are being used for flights into or out of Bosnia and Herzegovina;

(f) In accordance with paragraph 5 of Security Council resolution 781 (1992), technical monitoring information is being made available to MCCC by the North Atlantic Treaty Organization (NATO). All flights detected over Bosnia and Herzegovina will be notified to MCCC, which will verify that all have been approved by UNPROFOR. Any non-approved flights will be reported to the Security Council.

4. In order to meet the immediate requirements of Security Council resolution 781 (1992) without delay, 30 military observers have been temporarily redeployed from four existing peace-keeping operations (United Nations Mission for the Referendum in Western Sahara, United Nations Observer Mission in El Salvador, United Nations Military Observer Group in India and Pakistan and United Nations Truce Supervision Organization in Palestine). The measures described above thus became operational to a limited extent as of 31 October 1992.

5. The Force Commander of UNPROFOR estimates that 75 additional military observers, with air-force and/or air-defence experience, including 25 specialists with pilot and/or air traffic controller qualifications, will be required, together with the necessary vehicles and communications equipment. In addition, three or four officers will be required for MCCC in Zagreb. As soon as these additional personnel have been deployed to the mission area, the 30 military observers temporarily deployed will be returned to their parent missions.

III. COOPERATION OF THE PARTIES

6. The cooperation of the parties concerned is essential for the successful implementation of resolution 781 (1992). On 30 September 1992, in paragraph 7 of a Joint Declaration signed by the President of the Republic of Croatia, Mr. Franjo Tudjman, and the President of the Federal Republic of Yugoslavia, Mr. Dobrica Cosic, the two Presidents welcomed the early stationing of international observers on airfields in their respective countries as a confidence-building measure. On 10 October 1992, at the Working Group on Confidence and Security-Building and Verification Measures of the International Conference on the Former Yugoslavia at Geneva, representatives of the two Governments confirmed the above declaration and agreed on certain practical aspects of the deployment of ECMM and UNPROFOR military observers at airfields in their countries.

MSF 1980-11

S/24767

English

Page 4

5/5

7. At a meeting on 13 October with Lord Owen, Co-Chairman of the Steering Committee of the International Conference on the Former Yugoslavia, Mr. Radovan Karadzic, leader of the Bosnian Serbs, agreed to remove all Bosnian Serb combat aircraft from Banja Luka airfield to the Federal Republic of Yugoslavia (Serbia and Montenegro) as a sign of his delegation's desire to facilitate the implementation of resolution 781 (1992). Prime Minister Panic of the Federal Republic of Yugoslavia (Serbia and Montenegro) agreed to accept these aircraft at airfields at which UNPROFOR military observers would be deployed. In a letter to the Secretary-General dated 16 October 1992, the Prime Minister confirmed his willingness to receive the aircraft concerned (S/24698).

8. In a letter to the President of the Security Council dated 21 October, the Permanent Representative of Croatia to the United Nations expressed the concern of his Government that a transfer of the aircraft from Banja Luka to airfields in the Federal Republic of Yugoslavia (Serbia and Montenegro) could violate the provisions of Security Council resolutions 724 (1992) and 757 (1992). The letter also stated the understanding of the Government of Croatia that a transfer of the aircraft from Banja Luka could not limit its rights and those of other successor states regarding the property of the former Yugoslavia (S/24693). Subsequently, Mr. Karadzic withdrew from his earlier agreement to relocate the aircraft. However, at a meeting on 28 October with the co-chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, Mr. Karadzic conveyed assurances that the aircraft concerned were grounded in Banja Luka and would not be flown.

9. UNPROFOR has concluded agreements with the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) (31 October 1992) and those of Croatia (1 November 1992) regarding operational arrangements for the deployment of the military observers on the airfields in those countries. The agreements provide, inter alia, for access to the airfield flight control systems and for the utilization of all relevant data; observation of preparations for and performance of the flying missions of aircraft at the requested airfields; and inspection of all aircraft whose flights have been authorized by UNPROFOR. As regards Bosnia and Herzegovina, similar agreements have been signed by UNPROFOR in Geneva on 3 November 1992 with the Foreign Minister of the Republic of Bosnia and Herzegovina, Mr. Haris Silajdzic, granting UNPROFOR unrestricted access to airfields in the Republic, and separately with Mr. Karadzic in respect of the two airfields in the Banja Luka area. The agreements cover both fixed-wing and rotary-wing aircraft.

IV. OBSERVATIONS

10. I believe that the concept described in the present report will permit effective and cost-efficient implementation of Security Council resolution 781 (1992). Preliminary estimates of the additional costs to the United Nations will appear separately in an addendum to the present report. I accordingly recommend that the Security Council approve the necessary expansion of UNPROFOR's strength on the basis of the plan described above.

INTERNATIONAL CONFERENCE
ON THE FORMER YUGOSLAVIA

STC/2/2

27 October 1992

Report of the Co-Chairmen on Progress in Developing
a Constitution for Bosnia and Herzegovina

1. The Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia (ICFY), Cyrus Vance and Lord Owen, consider it useful to report at this time on the progress so far achieved in developing a constitution for Bosnia and Herzegovina and to outline the further steps that they intend to take in this regard.

I. THE FRAMEWORK OF THE NEGOTIATIONS

2. It will be recalled that the European Communities (EC) Conference on Yugoslavia (EC-COY) which functioned under the Chairmanship of Lord Carrington from September 1991 until August 1992, initiated a series of talks in February 1992 on the Future Constitutional Arrangements for Bosnia and Herzegovina. Ten rounds took place under the chairmanship of Ambassador José Cutileiro of Portugal, and senior representatives of the three main Bosnian political parties participated.

3. At the fifth round of these talks a "Statement of Principles for new constitutional arrangements for Bosnia and Herzegovina" was tentatively agreed to on March 18, 1992, and these were supplemented by some additional principles on human rights developed on March 31 at the sixth round. However, these tentative agreements were repudiated soon thereafter. No further constitutional agreements were reached at later talks held under the auspices of the EC-COY.

4. The new International Conference on the Former Yugoslavia, which replaced the EC-COY, at its session in London on August 26-27, 1992, adopted, by consensus of all the governments and parties participating in the Conference, a number of declarations, including

a "Statement on Bosnia" (LC/C5/FINAL)), as well as a "Work Programme of the Conference" which included the establishment, as one of its six Working Groups, of a:

"Bosnia-Herzegovina Working Group. The Group's task is to promote a cessation of hostilities and a constitutional settlement in Bosnia-Herzegovina;" (LC/C4(FINAL), para. 4(a))

5. Mr. Martti Ahtisaari was appointed Chairman of the Bosnia and Herzegovina Working Group. Arrangements have been made for the parties to be represented on a standing basis in Geneva, although from time to time some or all members of a delegation may travel elsewhere. Since these representatives have not all been willing to meet with each other, the Chairman of the Working Group has been meeting separately with each delegation. There have been twenty-five such meetings since the start of the Working Group. There have also been numerous informal meetings between the Chairman of the Working Group or members of his staff with the leaders or individual members of the delegations. With the agreement of the delegations, the Chairman of the Working Group normally informed the others at subsequent meetings of the positions taken by each delegation and, on the same basis, distributed position papers submitted by any of the delegations. Mr. Vance and Lord Owen have also participated actively in the work of the Group.

6. The Working Group has devoted its attention to both aspects of its terms of reference: the promotion of a cessation of hostilities and the promotion of a constitutional settlement, with some meetings devoted to both subjects, and others only or principally to one.

7. In considering a constitutional settlement, the Chairman of the Working Group has distributed a number of papers to the parties:

1. Checklist of Principles relating to the Constitution;
2. Revised Checklist of International Human Rights Instruments Relevant to a Constitution for Bosnia and Herzegovina (BiH);
3. List of Human Rights that might be considered for inclusion in, or other protection under, the BiH Constitution;
4. Preliminary thoughts for discussion on implementation, enforcement, and guarantees of human rights provisions of the BiH Constitution; and
5. Distribution of Governmental Responsibilities between Central Government and Constituent Units - request for indication of preferences.

At the request of the Chairman of the Working Group, the parties have given their oral or written reactions to the papers on human rights prepared by the secretariat, as well as written responses to the questionnaire on the distribution of governmental responsibilities. All of these were communicated to the other delegations with the consent of the submitting delegation. The parties have also submitted, on a no-distribution basis, their respective positions regarding the constituent units or regions into which they consider Bosnia and Herzegovina should be arranged.

8. On the basis of the positions of the three parties derived from these meetings and conversations, and from their close consultations with the Chairman of the Bosnia-Herzegovina Working Group, Mr. Vance and Lord Owen have reached the conclusions discussed below and prepared the annexed paper on a "Possible Constitutional Structure for Bosnia and Herzegovina".

II. THE STRUCTURE OF THE STATE

A. Basic Considerations

9. It was recognized from the beginning that the views of the three parties diverged widely on the structure of the future Bosnia and Herzegovina. One of the parties initially advocated a centralized, unitary State, arranged into a number of regions possessing merely administrative functions. Another party considered that the country should be divided into three independent States, respectively for the Muslim, Serb, and Croat peoples, with each of these States having its own international legal personality, which States might form a loose confederation for the purpose of co-ordinating certain of their activities. The third party supported a middle position.

10. The basis for the consideration of this issue was the Statement of Principles adopted by the International Conference in London (LC/C2(FINAL)), and especially its total condemnation of forced expulsions of populations and the reversal of those which had already taken place (paragraph vi), as well as respect for the inviolability of all borders and the rejection of all efforts to change borders by force (paragraph viii). These principles had also been reiterated in paragraphs (c) and (e) of the above-cited Statement on Bosnia.

11. The population of Bosnia and Herzegovina is inextricably intermingled. Thus there appears to be no viable way to create three territorially-distinct states based on ethnic or confessional principles. Any plan to do so would involve incorporating a very large number of members of the other ethnic/confessional groups, or consist of a number of separate enclaves of each ethnic/confessional group. Such a plan could achieve homogeneity and coherent boundaries only by a process of enforced population transfer -- which has already been condemned by the International Conference, as well as by the General Assembly (A/RES/46/242, Preamble and paragraph 6) and the Security Council (S/RES/771 (1992), paragraph 2). Consequently, Mr. Vance and Lord Owen deemed it necessary to

reject any model based on three separate, ethnic/confessionally-based States. Furthermore, a confederation formed of three such States would be inherently unstable, for at least two would surely forge immediate and stronger connections with neighbouring States of the former Yugoslavia than they would with the other two units of Bosnia and Herzegovina.

12. The two Co-Chairmen also recognized, however, that a centralized state would not be accepted by at least two of the principal ethnic/confessional groups in Bosnia and Herzegovina, since it would not protect their interests in the wake of the bloody civil strife that now sunders the country.

13. Consequently, Mr. Vance and Lord Owen believe that the only viable and stable solution that does not acquiesce in already-accomplished ethnic cleansing, and in further internationally unacceptable practices, appears to be the establishment of a decentralized state. This would mean a state in which many of its principal functions, especially those directly affecting persons, would be carried out by a number of autonomous provinces. The central government, in turn, would have only those minimal responsibilities that are necessary for a state to function as such, and to carry out its responsibilities as a member of the international community. The proposed decentralization also appears to reflect the wish of all the parties, as indicated by their responses to the questionnaire on the distribution of governmental responsibilities mentioned in paragraph 7 above.

B. Number of Provinces

14. In considering the number of units, tentatively referred to as "provinces", into which Bosnia and Herzegovina might be arranged, account must of course be taken of the views of the parties. One party still insists on three as the appropriate number, as corresponding to the number of the principal "constituent nations" in the country. However, the party that originally favoured a centralized state with the existing 95 administrative

units, now suggests that in a decentralized structure the number of provinces could be between six and eighteen.

15. In deciding what number or range of numbers to propose to the parties, various considerations must be taken into account. These include the desirability that each of the provinces be an administratively and economically viable unit, a goal that would be difficult to achieve if the number of units were to exceed ten. Exceeding ten would probably mean that some would have populations of less than a quarter million. On the other hand, if the number of provinces were too few, it would be difficult to realize ethnic homogeneity without either violating the principle of geographic coherence or accepting the results of ethnic cleansing. Consequently, to meet these criteria the number of provinces might range from seven to ten, with the precise number to be established by negotiations among the parties, in the light of proposed boundaries of the provinces.

C. The Boundaries of the Provinces

16. The boundaries of the provinces should be drawn so as to constitute areas as geographically coherent as possible, taking into account ethnic, geographical (i.e. natural features, such as rivers), historical, communication (i.e. the existing road and railroad networks), economic viability, and other relevant factors (Annex, I.B.1). Given the demographic composition of the country, it is likely that many of the provinces (but not necessarily all) will have a considerable majority of one of the three major groups. Thus a high percentage of each group would be living in a province in which it constitutes a numerical majority, although most of the provinces would also have significant numerical minorities.

17. Utilizing the maps supplied by each of the parties on a confidential basis, proposals are being developed for a possible arrangement of Bosnia and Herzegovina into provinces that would

reflect the above-mentioned considerations. It is intended to do this as soon as possible, with the assistance of expert advisers.

D. The Nature of the Boundaries

18. The boundaries of the provinces are to be set out in the Constitution and would be subject to change only by amending that instrument with majorities (either in the legislature, or in a referendum, or both) indicating that the three principal groups all accept the change (see Annex, I.B.2).

19. The boundaries between provinces are not to have the nature of state borders, i.e., there are to be no border or other controls that would hinder the free movement of people and goods throughout the entire country (Annex, I.B.4).

E. The Recognition of Ethnic and Other Groups

20. It is common ground among the parties that Bosnia and Herzegovina is populated by three major "constituent peoples" or ethnic/confessional groups, namely the Muslims, the Serbs, and the Croats, and also by a category of "others". Two of the parties contend that in designing a government for the country a predominant role must be given to these "constituent peoples". The other party considers that there should be no such overt recognition, although it admits that the political processes of the country have been and are likely to continue to be characterized by religio/ethnic factors. The annexed paper therefore proposes that the Constitution recognize the existence of the groups in two ways: by providing that certain posts or functions be assigned by rotation or by equitable balancing among the recognized groups (e.g., Annex, IV.A.2(a)), and also by the conscious protection of group or minority rights (Annex, VI.A.2(b) and appendix, Part C).

III. THE DISTRIBUTION OF GOVERNMENTAL FUNCTIONS

21. The task of making recommendations as to the distribution of governmental responsibilities and functions between the central government and the provinces, was eased through the completion of the above-mentioned questionnaires by the delegation of each of the parties, and by the fact that their responses corresponded to a considerable extent. In particular, all responses indicated a preference for a considerably decentralized State, with only minimal responsibilities entrusted to the central authorities.

22. The central government (Annex, II.A) would be responsible for: foreign affairs (including membership in international organizations), international commerce, national defence and citizenship. Only a single citizenship is to exist in the country, although any person may hold dual citizenship (Annex, VI.C). The central government would have the power to tax for these limited purposes. Although it is intended to establish provinces that are all economically viable, if that cannot be fully realized or if some provinces are much poorer than others, then resource transfers among them may have to be envisaged, possibly using taxes collected by the central government.

23. It is proposed that certain tasks be carried out in a centralized fashion, not by the central government, but rather by independent authorities administered by representatives of all the provinces. These could be assigned operational and some regulatory tasks. In particular, the Central Bank, which is to be both the issuer of the national currency and the principal regulator of banks and similar financial institutions in the country, would be such an authority. Other authorities might be established, or constitute parts of international authorities, for operating certain transnational communication links (Annex, II.B).

24. A few functions might be carried out jointly, or on the basis of responsibility shared between the central and the provincial governments (Annex, II.C).

25. As already indicated, most governmental functions would be carried out at the provincial, or even local, level. This relates to the police, which is in almost all respects to be completely controlled by the provinces (Annex, V.2). In addition, almost all activities in which individuals are directly affected by the government, such as educational and cultural activities, the licensing of trades, professions and businesses, and the provision of health, social care, and insurance would be carried out at the local level. These are the functions that are of particular concern to those seeking to maintain the separate heritages of the peoples constituting Bosnia and Herzegovina. Of course, as indicated in paragraph 39 (b) below, the rights of the minorities likely to be scattered throughout each of the provinces would be adequately safeguarded. As far as possible, the provinces would be responsible for their own economies and infrastructure. (Annex, II.D).

IV. THE STRUCTURE OF THE GOVERNMENT

26. Both the central and the provincial governments are to be structured along classical lines, i.e., they are to have legislative, executive, and judicial branches.

A. The Central Government

27. The national Legislature is to consist of two Houses:

- (a) The Lower House is to be elected by proportional representation in the country considered as a whole (Annex, IV.A.1(a)). Consequently it is likely that its composition will initially correspond to the ethnic composition of the country. It is possible that eventually political parties may develop that are not primarily ethnically based, but rather reflect political or regional orientation or other concerns (e.g., environmental ones).

The Lower House is to appoint the Prime Minister (Annex, IV.A.2(c)) and, eventually, the Ombudsmen (Annex, VI.B.2). It will also share responsibility for legislating with the Upper House, although it might be provided -- as in many countries -- that the Lower House, as the only directly elected national body, should predominate in any case of divergence between the two Houses, and that it should have a particular responsibility for taxation and the budget.

- (b) The Upper House is to be appointed by and from the provincial governments (Annex, IV.A.1(b)). Since most of the provinces will probably have a population in which one ethnic group or another is in the majority, the composition of that House is also likely to reflect roughly the ethnic composition of the country as a whole.

28. Executive power is to be divided among a number of persons and bodies:

- (a) The Presidency is to consist of the Governors (i.e. the chief executives) of all the provinces -- which will thus reflect roughly the ethnic composition of the country (see para. 27 (b) above ((Annex IV.A.2(a))). It is to be chaired by the President. The powers of this body are to be restricted to making a number of senior appointments: that of the President, of the highest appellate judges and of the military chiefs, and also the approval of the Ministers named by the Prime Minister. All these appointments are to take into account either rotation among the several groups (for unique positions such as the Presidency) or balance (for collective bodies such as the Cabinet). It will be possible to appeal alleged violations of these principles to the Constitutional Court which, at least initially, is to include a predominance of foreign judges (Annex, IV.A.3(c)).

- (b) The President is to be selected by the Presidency, whether from its own ranks or from the outside (e.g., a distinguished citizen, not necessarily politically aligned) for a limited term, and will be subject to group rotation -- i.e. two members of the same group cannot succeed each other. His/her function as Head of State is to be largely ceremonial, but the actual powers assigned to him/her are to be specified in detail in the Constitution (Annex, IV.A.2(b)).
- (c) The Prime Minister is to be the Head of Government, and is to be elected by the Lower House (Annex, IV.A.2(c)) thus conforming to the pattern of most parliamentary democracies. As indicated, the division of powers between the Prime Minister and the President will have to be detailed in the Constitution.
- (d) The Ministers would form the Cabinet with the Prime Minister and are to be appointed by him/her but, instead of being approved by the Lower House, would be approved by the Presidency -- the body charged with maintaining group balance. It has not been stated that they need be members of either House of the legislature, although that could be provided.
- (e) The national civil service, which is likely to be small because of the limited functions of the central government, would be subject to normal civil service/administrative governance. Its composition would have to take account of the obligation to maintain group balance.

29. The judiciary is to be a shared responsibility of the central and the provincial governments. In particular, it is proposed that the courts of "first instance" (i.e., the courts to which cases are first submitted), as well as those considering the first level of appeals from these, be constituted exclusively by the provinces. A further appeal would lie to one or more of the highest courts (e.g., civil and criminal, administrative, labour) that would be created at

the national level and whose judges would be appointed by the Presidency. This appeal would encompass only questions concerning the Constitution or those arising out of national legislation or international treaties. On questions of purely provincial concern, the highest appellate level would therefore be the provincial one (Annex, IV.A.3(a) and IV.B.3).

30. In addition to these courts, there would be two senior courts with, at least initially, a predominance of foreign judges:

- (a) One would be the Human Rights Court (Annex, VI.B.3), to which an appeal can be taken on any constitutionally-defined human rights issue from the final, otherwise unappealable, decision of any other court. It might also be provided that an appeal can be taken if such other court delays the proceedings unduly, and also that such other court might address questions to the Human Rights Court, with the answers binding on the court that addressed the question. The national judges on this Court would be appointed by the Presidency in such a way that each group is represented. A somewhat larger number of judges would be appointed by the President of the European Court of Human Rights and the President of the European Commission of Human Rights. This would be done by a special arrangement with the Council of Europe, for which purpose the political bodies of the Council are already considering a new, general mechanism (i.e., one that would not apply just to Bosnia and Herzegovina) proposed by Lord Owen to the Parliamentary Assembly of the Council. It is hoped that the competent bodies of the Council will act quite soon to create the necessary mechanism, and that the Constitution of Bosnia and Herzegovina would then appropriately refer to it.

- (b) The other court would be the Constitutional Court (Annex IV.A.3), whose primary function would be to decide disputes between constitutional entities (e.g., the Presidency, the President, the Prime Minister, Ministers, the Lower and the Upper House of the legislature). It would also be competent to decide appeals concerning the exercise of the Presidency's appointing power (Annex, IV.A.2(a)) and it would also serve as the court of final appeal on constitutional questions arising in litigation in other courts. The Court would be composed of national judges appointed by the Presidency and of a majority of foreign judges, appointed in the first instance by the International Conference on the Former Yugoslavia and later by any international body designated by the Conference (e.g., the President of the International Court of Justice or the United Nations Secretary-General). A court along these lines was already foreseen in the Principles agreed to by the parties on March 18, 1992 (see paragraph 3 above).

B. The Provincial Governments

31. It is not anticipated that the Constitution will specify in any detail the provisions of the provincial constitutions or of the provincial governmental structures. As appropriate for a decentralized system, these matters should be left for decision by the provincial governments and voters. The provisions of the provincial constitutions, however, and of any laws adopted under them would have to be subject to the federal Constitution and laws. Any disputes concerning such matters would be decided by the Constitutional Court (Annex, III.B).

32. Each province is expected to have a legislature, but whether it were unicameral or bicameral would be determined by the provincial constitution (Annex, IV.B.1). Of course, under the human rights provisions of the Constitution, it would be necessary that the method of electing the legislature be fully democratic.

33. Similarly, it is not to be specified in the Constitution how the provincial Governors (Annex, IV.B.2) are to attain those posts, for example by direct, popular election, or by appointment of one or both houses of the provincial legislature.

34. As to the provincial courts (Annex, IV.B.3), i.e. those of first instance and the intermediate appellate courts, they will constitute part of the judicial system of the country as a whole and be subject to the highest courts established on the national level, including the Constitutional and the Human Rights Courts (paragraphs 29-30 above). However, the details of the structuring of provincial courts would not be specified in the Constitution, although they might be subject to some national legislation.

V. ORGANIZATION AND CONTROL OF EXECUTIVE FORCE

35. As the central government is to be solely responsible for national defence, the military forces are to be entirely under its control (Annex, V.A.1). It remains to be decided which official will exercise that control, but we believe that the senior staff, which is to be appointed by the Presidency (Annex IV.A.2(a)), must be balanced in respect of the recognized groups and that the post of Chief of Staff must rotate among them. In addition, all military units are to be fully integrated and function on a non-discriminatory basis. At least for an initial period (see paragraph 44 below) these requirements of balance, rotation, integration, and non-discrimination are to be supervised by an international authority designated by ICFY, because it is recognized that melding three armed forces which currently are engaged in bitter combat is unlikely to be successful without outside assistance and mediation (Annex, V.A.2).

36. The Constitution is to provide that the above-described forces controlled by the central government are to have exclusive possession of military power in Bosnia and Herzegovina (Annex, V.C). Therefore neither the provinces, nor any other public or private entities, are to be allowed to form armed units or to

possess heavy weapons. What weapons the provincial police may possess might be the subject of national legislation.

37. All uniformed police are to be controlled by the provinces or by local authorities under them (Annex, V.B.1(a)). All police forces are to be fully integrated, and this requirement too would initially be supervised by an international authority designated by the International Conference, for the reasons indicated in respect of the military (Annex, V.B.1(b)). At the national level there is to be no uniformed, armed police, but only a co-ordinating office to assist the provincial police authorities and to maintain contacts with international and foreign police authorities (Annex, V.B.2) (e.g., INTERPOL); this responsibility would include ensuring implementation of any treaty-based responsibilities that Bosnia and Herzegovina may have (e.g., those relating to the combat of terrorism and the illegal trade in prohibited narcotic drugs).

VI. HUMAN RIGHTS

38. Statements made by the parties in the previous talks (paragraphs 2-3 above) and their oral and written observations in the Working Group agreed that the parties wish the Constitution to reflect, and the country to observe, the highest internationally-accepted standards of human rights. They have also agreed that these rights be based on the international instruments formulated by, or under the aegis of, the United Nations, the Council of Europe, and the Conference on Security and Cooperation in Europe (CSCE), as already foreseen in the Statement of Principles of the International Conference (LC/C2(FINAL), paragraph (iv)). Similarly they agree that the implementation of these rights in Bosnia and Herzegovina should, at least for a time, be supervised through international mechanisms. A list of such instruments and a description of such mechanisms were furnished to the parties (paragraph 7 above, items 2-4) and their reactions were uniformly positive.

39. It is therefore proposed that the Constitution set out a number of human rights, grouped essentially into three categories:

- (a) General human, especially civil and political, rights as expressed in instruments such as the 1966 International Covenant on Civil and Political Rights and the Protocols to it, and in the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms and in the Protocols thereto (Annex, VI.A.2(a) and appendix, part A);
- (b) Group and especially "minority" rights, as expressed in instruments such as the 1992 Draft Declaration on the rights of persons belonging to national or ethnic, religious and linguistic minorities (A/47/___) and in the 1990 Recommendation 1134 (1990) on the rights of minorities of the Parliamentary Assembly of the Council of Europe (Annex, VI.A.2(b) and appendix, part B); and
- (c) Economic, social and cultural rights, as expressed in the 1966 International Covenant on Economic, Social and Cultural Rights and in the 1961 European Social Charter and the Protocol thereto; it is foreseen that many of the rights under this heading will be stated only as aspirations, as their immediate implementation may be beyond the economic means and other capabilities of the new country (Annex, VI.A.2(c) and appendix, part C).

40. It is proposed that these rights be expressly included in the Constitution, in appropriate detail for such an instrument. In any event, the international treaties and some instruments in which these rights are to be expressed, and which would be listed in the Constitution or in an Annex thereto, would be incorporated into the Constitution by reference (Annex, VI.A.1 and appendix). It is also

foreseen that the Constitution is to require the new State to become a party to the listed treaties as quickly as possible. As the Socialist Federal Republic of Yugoslavia, the predecessor State, was a party to most of the United Nations treaties in question, it will only be necessary in respect of these to file a notice of succession with the Secretary-General. As to the treaties originating with the Council of Europe, Bosnia and Herzegovina will not be eligible to become a party thereto until it becomes a member of the Council (Annex, appendix, paragraph 6(b)).

41. One of the questions that particularly interested the parties was how to ensure that these extensive human rights to be embodied in the Constitution would actually be implemented. Among the devices discussed with them, and which are in part reflected in the paper annexed hereto, are the following:

- (a) All persons in Bosnia and Herzegovina, whether citizens or not, would at all times have unimpeded access to the courts (Annex, VI.B.4).
- (b) Both the provincial and the national courts would be required to apply the constitutionally-guaranteed human rights, as set out in the Constitution or in the international instruments incorporated therein by reference as directly applicable law, regardless of whether implementing legislation had already been enacted (Annex, VI.B.4 and appendix, paragraph (a)).
- (c) There are to be four Ombudsmen, one representing each of the recognized groups, who are to have wide powers to investigate, either on the basis of complaints or on their own initiative, all questions relating to the implementation of human rights, including those arising out of ethnic cleansing, to contact the authorities responsible for any abuses, and to report to the legislature and to other appropriate governmental bodies; they would also have the right to enter the courts. Initially, the Ombudsmen are to be appointed by ICFY, and

later by the Lower House of the national legislature, as is customary in many countries (Annex, VI.B.2).

- (d) There is to be a Human Rights Court, which has already been described in paragraph 30(a) above (Annex, VI.B.3).
- (e) There is also to be an International Commission on Human Rights for Bosnia and Herzegovina, which is not to be an instrument created by the Constitution, but by ICFY. It would be guaranteed wide powers to investigate and to hear complaints in the country, and to report thereon to the appropriate international bodies (Annex, VI.B.1).
- (f) Finally, as Bosnia and Herzegovina will be required to become a party to a number of international human rights treaties that establish various types of supervisory, monitoring, and dispute-settlement mechanisms (which are especially marked in the appendix to the Annex hereto), it will automatically become subject to the operations of these bodies, which will provide another measure of international supervision. Incidentally these measures, unlike some of the others which are meant to operate only on an interim, transitional basis (see paragraph 44 below), would continue to function permanently, as they do for other States parties to these treaties.

VII. TRANSITIONAL INTERNATIONAL CONTROL MEASURES

42. Although a Constitution along the lines outlined in the Annex would be designed to establish Bosnia and Herzegovina as a State functioning in a normal way in the international community as soon as possible, it is recognized that it will be necessary during a limited period for certain aspects of the operations of the country to be subject to some international supervision and control. This will be necessary in light of the continuing violence and other activities taking place in the country, which are likely to make it extremely difficult for the contending parties to settle into normal cooperation as foreseen in the Constitution. It also seems to

reflect the desires of the parties, who have indicated that certain international controls will be necessary for some time.

43. Consequently, a number of transitional international control measures are foreseen (Annex, I.D.1(a)-(f)):

- (a) Two of these would be the proposed Constitutional Court and the Human Rights Court, described in paragraph 30(a) and (b) above;
- (b) Another measure would be the proposed International Human Rights Commission for Bosnia and Herzegovina, described in paragraph 41(e) above;
- (c) The Ombudsmen, described in paragraph 41(c) above, who are initially to be appointed by ICFY;
- (d) The supervision of the balance and integration of the military forces and of the non-discrimination requirements relating to the provincial police are described in paragraphs 35 and 37 above.

44. Various provisions are foreseen for the duration of these transitional measures (Annex, I.D.2(a)-(d)). For some a particular time limit has been suggested, while others would be at the discretion of ICFY or its designated successor. Finally, all these measures (except for the purely international Human Rights Commission which will not be a body created by the Constitution), including those for which there is no explicit termination provision, can be removed from the Constitution by amendment. Any such amendment, however, will require sufficiently high majorities to ensure that all three major groups agree that such elimination is indeed timely (Annex, III.A.3(c)).

VIII. FURTHER MEASURES

45. It is expected that once the annexed paper is presented to the parties represented in the Bosnia-Herzegovina Working Group,

negotiations will commence among them, either directly or through the Chairman of the Working Group. During such negotiations the provisions outlined in the annexed paper will be drafted in the form of constitutional texts by the parties with the assistance of the secretariat of ICFY. During this process, it will of course be necessary to settle many of the details that have so far been left open or merely outlined.

46. An important element in the constitutional negotiations will be the need to reach agreement on the number and the precise boundaries of the several provinces (see paragraphs 14-16 above), so that these can be incorporated into the Constitution. At an appropriate time proposals regarding boundaries will be submitted to the parties (see paragraph 17 above).

47. Once the Constitution has been agreed to by the three parties represented in the Working Group, it is expected that they will be prepared to adopt it within the framework of the Conference. At that point a date for entry into force must also be agreed on, which will have to take into account the necessary preparatory steps to allow for implementation of the Constitution as soon as the country is governed by that instrument.

* * *

A N N E X

PROPOSED CONSTITUTIONAL STRUCTURE FOR BOSNIA AND HERZEGOVINA

Bosnia and Herzegovina (BiH) to be a decentralized state with significant functions carried by 7 to 10 autonomous provinces whose boundaries take into account ethnic and other considerations.

I. Overall Structure

- A. Bosnia and Herzegovina to be a decentralized state within its present international borders (i.e., those it had within the former S.F.R.Y.).
- B. Bosnia and Herzegovina to be divided into 7 to 10 autonomous provinces:
 - 1. Boundaries of provinces to be drawn so as to constitute areas as geographically coherent as possible, taking into account ethnic, geographical (i.e. natural features, such as rivers), historical, communication (i.e. the existing road and railroad networks), economic viability, and other relevant factors. It is likely that many of the provinces (but not necessarily all) will have a considerable majority of one of the three major ethnic groups, and most will have a significant representation of minorities;
 - 2. The provincial boundaries to be set in the Constitution, and may not be changed without amending it with high majority requirements (III.A.3). Similarly, no province to be permitted to secede without such an amendment;
 - 3. None of the provinces to have a name that specifically identifies it with one of the major ethnic groups;
 - 4. There are to be no border controls at inter-provincial boundaries, and full freedom of movement is to be allowed throughout the entire country.

- C. The Constitution is to recognize that there are three major "ethnic" (national/religious) groups, as well as a group of "others".

- D. The Constitution is to provide that on a transitional basis certain of the constitutional bodies be manned by persons appointed by ICFY and certain functions be internationally supervised.
 - 1. These include:
 - (a) The Constitutional Court (IV.A.3(c))
 - (b) The ethnic balancing and integration of the military forces (V.A.2)
 - (c) The non-discriminatory composition of the police (V.B.1(b))
 - (d) The International Commission of Human Rights for Bosnia and Herzegovina (VI.B.1)
 - (e) The Ombudsmen (VI.B.2)
 - (f) The Human Rights Court (VI.B.3)

 - 2. The duration of these arrangements could be:
 - (a) Limited to a specified period (e.g., IV.A.2(b))
 - (b) Determined by ICFY or a successor (e.g., VI.A.2)
 - (c) Determined by objective factors (e.g., VI.B.3)
 - (d) If not otherwise provided (e.g., IV.A.3(c)), until the Constitution is amended to eliminate or change the applicable provision, for which high enough majorities should be set so that they can only be obtained by a substantial consensus of the groups (III.A.3(c))

II. Distribution of Governmental Functions

- A. The central government is to have exclusive responsibility for:
 - 1. Foreign Affairs (including membership in international organizations)
 - 2. National defence (V.A)
 - 3. International commerce (custom duties; quotas)
 - 4. Citizenship (including dual) (VI.C.1-2)
 - 5. Taxation for central government purposes¹

- B. "Independent" authorities, consisting of representatives of all the provinces, are to have responsibility for:
 - 1. Central bank:
 - (a) issue of currency
 - (b) regulatory functions over provincial banks
 - 2. Infrastructure for international and inter-provincial communications: railroads², canals², pipelines², air control, post, telephone and telegraph
 - 3. Electric power grid

¹ If the provinces are not all economically viable, or if some are much poorer than others, then some sort of resource transfer among them may have to be envisaged, possibly utilizing the taxing power of the central government.

² Possibly as part of an international authority.

- C. The central government and the provinces are to share responsibility for:
1. Environmental controls, with the central government setting minimum standards, which each province can raise
 2. Judiciary (IV.A.3 and IV.B.3)
- D. The provinces are generally to have exclusive responsibility for:
1. Education, including higher (i.e. universities)
 2. Cultural institutions and programmes
 3. Radio and Television
 4. Licensing of professions and trades
 5. Natural resources use, e.g., agriculture; forestry; hunting and fishing; mining
 6. Health care, social services and insurance
 7. Provincial communications, e.g., local roads; airports
 8. Energy production
 9. Control of commercial and savings banks and other financial institutions
 10. Police (V.B.1)
 11. Taxation for provincial purposes

The provinces are not to be allowed to entertain formal international or inter-provincial ties, except with permission of the central government; they are to have no international legal personality.

III. Constitutions

A. Central:

1. To be negotiated and adopted within framework of ICFY
2. Supreme law of Bosnia and Herzegovina and of all the provinces
3. Difficult to amend (i.e., high majority requirements in both Houses of legislature and possibly a referendum with high absolute and/or relative majority requirements), with the following provisions enjoying special protection (e.g., still higher majority requirements or even unanimity):
 - (a) Human and group right provisions (VI.A.2(a)-(b)) and the related procedural devices (VI.B)
 - (b) Boundaries of provinces or permission for any to secede (I.B.2)
 - (c) Certain provisions for transitional international supervision (I.D.2(d))

- B. Provincial: Each province to adopt its own, subject only to the national Constitution in accordance with any decisions of the Constitutional Court (IV.A.3(c)(i))

IV. Governmental Structures

A. Central Government

1. Legislature
 - (a) Lower House: Elected on basis of proportional representation in Bosnia and Herzegovina as a whole³

³ This means that each group can form one or more parties -- but there might also be parties on purely political, provincial or ideological bases.

- (b) Upper House: Appointed by and from the provincial governments

Legislation, including approval of important international engagements and of constitutional changes (III.A.3), should generally require action by both Houses, although their respective functions may not be identical in respect of all of these and different majorities might be specified for different actions.

2. Executive

- (a) A "Presidency" to consist of the "Governors" of all the provinces, chaired by the President, with no executive functions but responsibility solely for senior appointments, in particular: President (IV.A.2(b)); Ministers (IV.A.2(d)); judges of highest appellate court(s) (IV.A.3(a)); national appointees to the Human Rights Court (VI.B.3) and the Constitutional Court (IV.A.3(c)); chiefs of military staff (V.A.2), all of which are to require either group rotation or balance⁴, as to which an appeal will lie to the Constitutional Court (IV.A.3(c) (iv)). No unanimity or consensus requirement, to avoid possibility of paralysis.
- (b) A President (a largely ceremonial Head of State⁵) chosen by the Presidency for a limited term and subject to rotation among the groups.
- (c) A Prime Minister (Head of Government⁴) elected by the Lower House of the legislature.

⁴ It will be necessary to indicate whether the word "balance" means "equal" or "proportional" representation.

⁵ The Constitution will have to specify precisely the division of responsibilities between the President and the Prime Minister.

- (d) Ministers appointed by the Prime Minister with the approval of the Presidency, with due account for group balance, the Foreign and Defence Ministers in any event to be from different groups.
- (e) A civil service constituted on principle of group balance⁵.

3. Judiciary

- (a) The highest appellate court(s), with group balance to be required. (The courts of first instance and the intermediate appellate courts are to be provincial (IV.B.3)⁶.)
- (b) A Human Rights Court (VI.B.3)
- (c) A Constitutional Court, primarily⁷ for resolving disputes:
 - (i) Between the central government and one or more provinces;
 - (ii) Between provinces;
 - (iii) Between principal authorities of the central government;
 - (iv) Concerning the group rotation or balance of appointments made by the Presidency (IV.A.2(a)).

⁶ Normally appeals to the national appellate courts would have to be on a question of national law (i.e., involving the Constitution, national legislation or international treaties), so that for most other issues the provincial appellate court would be the highest instance reached.

⁷ The Constitutional Court, whose primary function would be to settle disputes among constitutional authorities, would be a court of first instance for such cases -- i.e. such disputes would be brought to it directly and could be disposed of as quickly as the matter required -- in preference to the Court's appellate jurisdiction specified in the sentence following the several sub-paragraphs.

The Constitutional Court would also serve as a court of appeals on constitutional questions from the highest appellate courts (VI.A.3(a)). The Court is to consist of one national judge from each group, appointed by the Presidency, and of five foreign judges appointed in the first instance by ICFY, with replacements to be appointed by an appropriate international authority designated by ICFY.

B. Provincial (Determined by each provincial constitution)

1. Legislature: Preferably a single chamber, possibly two but elected on different bases
2. Executive: A single "Governor" for each province
3. Judiciary: Courts of first instance (civil, criminal, administrative, labour, etc.) and intermediate appellate courts

V. Executive Force

A. Military:

1. Entirely under control of central government executive
2. Central staff to be group balanced with rotating occupation of key posts and all units to be integrated (i.e., not established on group lines); the initial arrangements relating to balancing and integration to be supervised by ICFY and thereafter by an appropriate authority designated by ICFY.

B. Police:

1. Provincial: All uniformed police to be at provincial or local level:
 - (a) Police controlled by provincial executive

- (b) Police to observe same rules as to non-discrimination, etc., as all branches of government (VI.A.2(b)); the initial arrangements relating to non-discrimination to be supervised by ICFY and thereafter by an appropriate authority designated by ICFY.
- 2. National: Only an administrative body (i.e., no uniformed, armed forces) in order to:
 - (a) Co-ordinate provincial police
 - (b) Assist in technical functions (e.g., crime laboratories)
 - (c) Co-ordinate with international and foreign police authorities
- C. Prohibition on other armed forces: Aside from the military and, as appropriate, the police, no other public or private armed units may be formed in the country.

VI. Human and Group/Minority Rights

A. Substantive:

- 1. Source: The highest level of internationally recognized rights, as set out in instruments (primarily treaties and some IGO declarations - originating with UN, Council of Europe and CSCE) to be specified in the Constitution (see the Appendix hereto)

2. Types:

- (a) General human, especially civil and political rights

- (b) Group, especially "minority"⁸ rights, including obligation to maintain group balance in governmental decision-making bodies as well as in the various central and provincial civil, police and other services (or, at the minimum, strict non-discrimination)
- (c) Economic, social and cultural rights -- which to a considerable extent may have to be set out as aspirations and goals, and not be subject to the rigid protection of the other above-mentioned rights

B. Procedural: The general human, civil and political, and group rights to be protected by a number of domestic and international procedural arrangements, including⁹:

1. An International Commission on Human Rights for Bosnia and Herzegovina, with wide powers to investigate and to hear complaints, the obligation to report to competent international (UN, CSCE, C/E) bodies, including, if appropriate, the Security Council. To be established by ICFY for a limited period (e.g., 5 years), subject to prolongation by ICFY or another appropriate international authority designated by it.
2. Four Ombudsmen, one from each group, to be initially appointed by ICFY and later by the

⁸ This term will require special attention and definition in respect of Bosnia and Herzegovina, because on the one hand no ethnic or other group has an absolute majority in the country as a whole, so that in a sense all are minorities, but it is likely that in many regions one group will have a clear majority.

⁹ In addition to the arrangements listed below, account should also be taken of the international supervision provided on a normal basis by the special organs created by the human rights treaties to which Bosnia and Herzegovina will be obliged to become a party (to be specified in the Constitution (VI.A.1) -- see para. (c) of the Appendix hereto).

Lower House of the legislature. They are to have adequate staffs and be equipped with strong powers to investigate, be obliged to make reports to all competent governmental authorities at any level, and be empowered to appeal to or intervene in courts to protect rights; they are to have special responsibility to reverse ethnic cleansing.

3. A Human Rights Court to which appeals can be taken from any court (provincial or national) on human rights issues, which would initially be established as part of a Council of Europe mechanism and consist of one national judge from each group appointed by the Presidency and at least five foreign judges, appointed by the Presidents of the European Court of Human Rights and the European Commission of Human Rights -- to be maintained at least until Bosnia and Herzegovina becomes a member of Council of Europe and party to the European Convention on Human Rights, and perhaps even beyond.
4. Unimpeded access by individuals and recognized groups to courts under all circumstances, and with right to rely directly on constitutional provisions and on those of international treaties to which Bosnia and Herzegovina is a party or which are referred to in the Constitution, whether or not there is implementing legislation.

C. Citizenship (Closely connected with many of the human and group right provisions):

1. Citizenship of Bosnia and Herzegovina: to be determined by central government, in accordance with the Constitution and national laws
2. Dual citizenship to be allowed
3. No "provincial citizenship"
4. No official ethnic identification of citizens (e.g., on identity cards)

APPENDIX

International Human Rights Treaties and other Instruments¹⁰
to be incorporated by reference into the Constitution
of Bosnia and Herzegovina

The purpose of such incorporation would be to:

- (a) *Make their provisions immediately applicable to Bosnia and Herzegovina and enforceable by its courts. In this connection it should be noted that normally states are only bound by treaties and only by those to which they voluntarily become parties. Although states can bind themselves to observe other instruments, such as declarations, many such instruments are not so formulated as to allow them to be easily used as a source of positive law. Also requiring a state to abide by such instruments puts it into a somewhat invidious position as almost no states have voluntarily entered into, or become subject to, such obligations. Consequently, before requiring Bosnia and Herzegovina to bind itself constitutionally to abide by any non-treaty instruments, each such instrument should be examined carefully to determine whether it is suitable.*
- (b) *Oblige Bosnia and Herzegovina to become a party to those of the listed instruments that are treaties, as and when possible, i.e. immediately in respect of UN treaties, and upon becoming a member of the Council of Europe in respect of its treaties. As to those treaties to which the former Yugoslavia was a party¹¹, Bosnia and Herzegovina will only have to submit a statement of succession to the UN Secretary-General.*
- (c) *Allow international monitoring or other supervision by the bodies created by certain of these treaties.¹²*

¹⁰ In the list herein, treaties are indicated by bold lettering and other instruments (e.g., declarations) are indicated by light lettering.

¹¹ In this list, those treaties are marked with an asterisk (*).

¹² Such bodies are indicated in this list by double underlining.

It is understood that the parties to the constitutional negotiations may agree to list additional instruments in the Constitution.¹³

A. General Human Rights, especially Civil and Political Rights

(a) United Nations (UN) System Instruments:

1. **1948 Convention on the Prevention and Punishment of the Crime of Genocide***
2. 1948 Universal Declaration of Human Rights, Articles 1-21
3. **1966 International Covenant on Civil and Political Rights*** and its 1966 (right of petition to the Human Rights Committee) and perhaps its 1989 (abolition of death penalty) **Optional Protocols** [Human Rights Committee]
4. **1965 International Convention on the Elimination of All Forms of Racial Discrimination*** [Committee on the Elimination of Racial Discrimination (CERD)]
5. **1979 International Convention on the Elimination of All Forms of Discrimination against Women*** [Committee on the Elimination of Discrimination Against Women (CEDAW)]
6. **1989 Convention on the Rights of the Child*** [Committee on the Rights of the Child]
7. **1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment** [Committee Against Torture]

¹³ This list does not include about a dozen instruments, including a number of CSCE declarations that would fit under categories A or B, that do not appear to meet the criteria in paragraph (a) above or as to which it otherwise appears doubtful that inclusion in the BiH Constitution should be demanded, but which were included in a list of human rights instruments provided to the parties for their information.

8. **1951 Convention relating to the Status of Refugees* and the 1966 Protocol thereto*** [UN High Commissioner for Refugees]

(b) Council of Europe (C/E) Instruments

9. **1950 European Convention for the Protection of Human Rights and Fundamental Freedoms, and Protocols 1-10 thereto** [European Commission on Human Rights and European Court of Human Rights]

10. **1987 European Convention on the Prevention of Torture and Inhuman or Degrading Treatment or Punishment** [European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment -- operates in respect to Art. 3 of instrument 9 above]

(c) Conference on Security and Cooperation in Europe (CSCE) Instruments

11. **1975 Final Act of the [Helsinki] Conference on Security and Co-operation in Europe, Part 1(a)(VII) and Basket III** [Helsinki Review Process, as enhanced by the human dimension review mechanism established by paras. 1-4 of the Vienna Concluding Document, paras. (41)-(42) of the Document of the Copenhagen Meeting, and Part. I of the Document of the Moscow Meeting]

B. Protection of Minorities¹⁴

(a) UN System Instruments

¹⁴ The instruments listed herein are those dealing specifically with the rights of minorities. In addition, a number of the instruments listed in section A also have relevant provisions on this subject.

12. 1992 Draft Declaration on the rights of persons belonging to national or ethnic, religious and linguistic minorities

(b) C/E Instruments

13. 1990 C/E Parliamentary Assembly Recommendation 1134 (1990) on the rights of minorities, paras. 10-13

(c) CSCE Instruments

...

C. Economic, Social and Cultural Rights

(a) UN System Instruments

- 2*. 1948 Universal Declaration of Human Rights, Articles 22-27

14. **1966 International Covenant on Economic, Social and Cultural Rights*** [ECOSOC Committee on Economic, Social and Cultural Rights]

(b) C/E Instruments

15. **1961 European Social Charter and Protocol 1 thereto** [Committee of Experts]

(c) CSCE Instruments

...

D. Citizenship and Nationality¹⁵

(a) UN System Instruments

¹⁵ The instruments listed herein are those dealing specifically with questions relating to citizenship and nationality. In addition, a number of the instruments listed in section A also have relevant provisions on this subject.

16. 1957 Convention on the Nationality of Married Women*

17. 1961 Convention on the Reduction of Statelessness

(b) C/E Instruments

...

(c) CSCE Instruments

...

IMPLEMENTATION AGREEMENT ON OBSERVING OF AIRFIELDS
OF FEDERAL REPUBLIC OF YUGOSLAVIA UNDER
SECURITY COUNCIL RESOLUTION 781

With reference to Para. 7 of the common Declaration signed on September 30, 1992 by Mr. Dobrica Cosic, the President of the FRY and Mr. Franjo Tudjman, the President of the Republic of Croatia, the Resolution 781 of the Security Council and the Agreement reached in Geneva on October 10, 1992 regarding deployment of the military observers at the airfields in Croatia and FRY, the deployment shall be carried out according to the following:

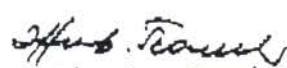
1. In the Federal Republic of Yugoslavia, United Nations observers shall be deployed at the airfields: Podgorica, Pristina, Kraljevo, Batajnica and Surcin.
2. The Federal Republic of Yugoslavia herewith accepts the extension of control to the airfields: Nis, Ponikve and Berane, as well as to other airfields for which UNPROFOR might seek access from the General Staff of the Yugoslav Armed Forces.
3. The observers shall be deployed for the purpose of verifying the fact that there are no flights (fixed wing or rotary wing) departing from the territories of the parties which would pass on the territory of the other party, excluding the flights being carried out or authorized by the United Nations as well as for the purpose of verifying that no flight shall pass to the territory of Bosnia and Herzegovina except the flights being carried out by or authorized by the United Nations.

Regarding enabling free operation of the UNPROFOR observers at the airfields in the Federal Republic of Yugoslavia, the Yugoslav Armed Forces herewith undertakes the obligation to provide for the following conditions:


- The acceptance of up to five UNPROFOR observers at the above-mentioned airfields.
- Working space (an office) with all necessary furniture and communication installations.
- Food in the existing restaurants at the above-mentioned airfields, with direct payment.
- The access to the airfield flight controls at the above-mentioned airfields and utilization of all data from the airfield flight control files and data which could be obtained through electronic units at the airfield flight control.

- Observation of preparations and performance of the flying missions of the combat air forces at the above-mentioned airfields.
- The insight into the performance of the flights within the complete air space of the Federal Republic of Yugoslavia, by monitoring the data exposed in the operative room of the District Flight Control Belgrade (at the Surcin Airport).
- Necessary number of the liaison officers at each airfield.
- The inspection of all aircraft (fixed wing and rotary wing) flying under the approval of the United Nations to the territory of Bosnia and Herzegovina or from the territory of Bosnia and Herzegovina to the territory of the Federal Republic of Yugoslavia.

The UNPROFOR observers shall not be permitted to move out of the manoeuver and flight (operational) areas of the airfields, out of the roads at the airfield, they shall not be allowed to the buildings other than their working space, the premises of the airfield and district flight controls, airfield restaurant and possibly airfield dispensary, and each movement and stay in a certain area shall be in the presence of the Yugoslav Armed Forces liaison officer obligatory.


Gen. Zivota Panic
Chief of the General Staff
Yugoslav Army

2 NOV 1992


Lt. Gen. Satish Nambiar
Force Commander
UNPROFOR

31 October 1992

IMPLEMENTATION AGREEMENT OF MONITORING
OF AIRFIELDS OF THE REPUBLIC OF BOSNIA AND HERZEGOVINA
UNDER SECURITY COUNCIL RESOLUTION 781

1. Further to United Nations Security Council resolution 781, the Republic of Bosnia and Herzegovina herewith consents to station observers at its airfields.

2. The observers will verify that no flight taking off from the territory of the parties would cross into the territory of the other, excluding those flights undertaken or authorized by the United Nations. The observers will also verify that no flights will cross into the territory of Bosnia and Herzegovina other than those undertaken or authorized by the United Nations.

3. The Government of the Republic of Bosnia and Herzegovina agrees to authorize UNPROFOR to have unrestricted access to the following airfields:

- a) Cazin
- b) Tuzla


4. This list of two airfields is not restrictive. The authorities of the Republic of Bosnia and Herzegovina grant permission to monitor any other airfield, immediately after notification from UNPROFOR.

5. For the purpose of monitoring, the authorities of the Republic of Bosnia and Herzegovina will provide the following:


- a) Authorization for free access for UNPROFOR to Operation Centre, ACC, Flight Line and Control Tower.
- b) One Liaison Officer, Interpreter and accommodation on site.
- c) Telephone and fax with international lines, if required.

- d) Copy of ATC flight book or listings, which gives identification of all air traffic.
- e) Any information related to flight plan or flight route of any type of aircraft, as requested.
- f) Free access to any building, housing aircraft, including helicopters.
- g) Authorization to inspect aircraft whose destination is Bosnia and Herzegovina.

Dated: 3 November 1992
Geneva



Foreign Minister Haris Silajdzic
Republic of Bosnia and Herzegovina



Lt. Col. Simon Mbogo
UNPROFOR

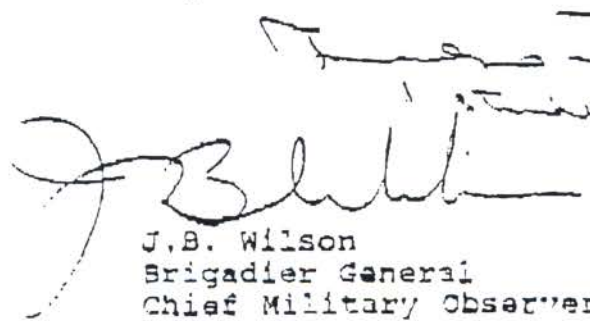
IMPLEMENTATION AGREEMENT ON OBSERVING
OF CROATIAN AIR FIELDS UNDER
SECURITY COUNCIL RESOLUTION 781

1. Further to Security Council Resolution 781 which provides for the observation of airfields in the former Yugoslavia, an agreement was reached on 30 September 1992 by President Tudjman of the Republic of Croatia and President Cosic of the Federal Republic of Yugoslavia to station military observers/ECMM monitors at airfields in Croatia and the Federal Republic of Yugoslavia.
2. The stationing will be carried out as follows:
 - a) European Community monitors at three airfields in Croatia, i.e. Varazdin, Split and Pula
 - b) United Nations observers at Zagreb airfield
 - c) United Nations observers in the Federal Republic of Yugoslavia
3. The observers will verify that no flight taking off from the territory of the parties would cross into the territory of the other, excluding those flights undertaken or authorized by the United Nations. The observers will also verify that no flights will cross into the territory of Bosnia Herzegovina other than those undertaken or authorized by the United Nations.
4. The Croatian Government agrees to authorize UNPROFOR/ECMM to have unrestricted access to the following airfields:
 - a) Zagreb
 - b) Varazdin
 - c) Split
 - d) Pula
5. This list of four airfields is not restrictive. The Croatian Authorities grant permission to monitor any other airfield, in particular, Sinj, Hvar, Dubrovnik and Zrk immediately after notification from UNPROFOR/ECMM to Croatian Army HQ.
6. For the purpose of monitoring, the Croatian Authorities will provide the following:
 - a) Authorization for free access for UNPROFOR/ECMM to Operation Centre, ACC, Flight Line and Control Tower.

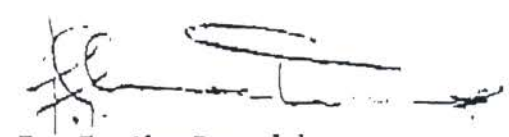
- b) One Liaison Officer, interpreter and accommodation on site.
- c) Telephone and fax with international lines, if required.
- d) Copy of ATC flight book or listings, which gives identification of all air traffic.
- e) Any information related to flight plan or flight route of any type of aircraft, as requested.
- f) Free access to any building, housing aircraft, including helicopters.
- g) Authorization to inspect aircraft whose destination is Bosnia Herzegovina.

- 3

General Bojnik Agotic
Commander
Croatian Air Force and Air Defence
Zagreb


J.B. Wilson
Brigadier General
Chief Military Observer
UNPROFOR

1 Nov 92


J. G. MacDonald
Deputy Head of Mission (Policy)
ECMM
14 November 1992

AGREEMENT

1. In pursuance of the provisions of resolution 781 of the United Nations Security Council, and in accordance with the commitment made on 13 October 1992, Dr. Karadzic has agreed, in his capacity as the leader of the Serbs in Bosnia-Herzegovina, that UNPROFOR observers be deployed at the two airfields in the Banja Luka area.

2. It is also agreed that other airfields in areas controlled by his forces may be visited for the purpose of observing.

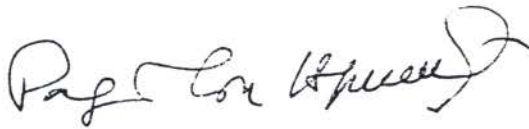
3. The observers shall be deployed for the purpose of verifying the fact that there are no flights (fixed wing or rotary wing), except the ones carried out, or authorized, by UNPROFOR.

Regarding free operation of the UNPROFOR observers at the airfields, it is agreed that the following conditions will be provided for:-

- a) The acceptance of up to five UNPROFOR observers at the requested airfields.
- b) Working space (an office) with all necessary furniture and communication installations.
- c) The food in the existing restaurants at the requested airfields, with direct payment.
- d) The access to the airfield flight controls at the requested airfields and utilization of all data from the airfield flight control and data which could be obtained through electronic units.
- e) Observation of preparation and performance of the flying missions of the aircraft at the requested airfields.
- f) The insight into the performance of the flights within the air-space designated by UNPROFOR by monitoring the data exposed in the operative room of the District Flight Control in Banja Luka.
- g) Necessary number of liaison officers at each airfield.
- h) The inspection of all aircraft (fixed wing and rotary wing) flying under the approval of the United Nations.

The UNPROFOR observers shall not be permitted to move out of the manoeuvre and flight (operational) areas of the airfield and out of the roads at the airfield; they shall not be allowed into any buildings, other than into their working area, the premises of the airfield and district flight control, the airfield restaurant and possibly the airfield dispensary, and each movement and stay in a certain area shall obligatorily be in the presence of a nominated liaison officer.

Dated: 3 November 1992
Geneva



Dr. Radovan Karadzic



Lt. Col. Simon Mbogo

AGREEMENT

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2. It is also agreed that other airfields in areas controlled by his forces may be visited for the purpose of observing.

3. The observers shall be deployed for the purpose of verifying the fact that there are no flights (fixed wing or rotary wing), except the ones carried out, or authorized, by UNPROFOR.

Regarding free operation of the UNPROFOR observers at the airfields, it is agreed that the following conditions will be provided for:-

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- b) Working space (an office) with all necessary furniture and communication installations.
- c) The food in the existing restaurants at the requested airfields, with direct payment.
- d) The access to the airfield flight controls at the requested airfields and utilization of all data from the airfield flight control and data which could be obtained through electronic units.
- e) Observation of preparation and performance of the flying missions of the aircraft at the requested airfields.
- f) The insight into the performance of the flights within the air-space designated by UNPROFOR by monitoring the data exposed in the operative room of the District Flight Control in Banja Luka.
- g) Necessary number of liaison officers at each airfield.
- h) The inspection of all aircraft (fixed wing and rotary wing) flying under the approval of the United Nations.

The UNPROFOR observers shall not be permitted to move out of the manoeuvre and flight (operational) areas of the airfield and out of the roads at the airfield; they shall not be allowed into any buildings, other than into their working area, the premises of the airfield and district flight control, the airfield restaurant and possibly the airfield dispensary, and each movement and stay in a certain area shall obligatorily be in the presence of a nominated liaison officer.

Dated: 3 November 1992
Geneva



Dr. Radovan Karadzic



Lt. Col. Simon Mbogo



INTERNATIONAL CONFERENCE ON THE FORMER YUGOSLAVIA



Palais des Nations, 1211 Geneva 10

JOINT DECLARATION

The President of the Federal Republic of Yugoslavia, Mr. Dobrica Cosic, and the President of the Republic of Croatia, Dr. Franjo Tudjman, met in Geneva on October 20, 1992, under the auspices of the Co-Chairmen of the International Conference on the Former Yugoslavia, Cyrus Vance and Lord Owen. The two Presidents reviewed the implementation of their Joint Declaration of September 30 and, in order to provide for its further implementation, declare as follows:

1. They note with satisfaction that various specific measures have already been taken to implement several fundamental issues covered in the Joint Declaration, i.e. the Agreement on Prevlaka; the stationing of observers at airfields in the Federal Republic of Yugoslavia and in the Republic of Croatia; and the establishment of a Joint Inter-State Committee and its five commissions.
2. They note that the Joint Committee has held its first meeting. In order to promote and enhance the work of the Committee, and with a view to ensuring conditions for normalisation of relations, they agree to establish Liaison Offices of the Inter-State Committee in each other's capital, Belgrade and Zagreb. Under the direction of the Committee, the Liaison Offices will co-ordinate work on all open questions between the Republic of Croatia and the Federal Republic of Yugoslavia and, as a priority, will address the following:

reopening of road, rail, and telecommunications links between the Republic of Croatia and the Federal Republic of Yugoslavia, as well as re-establishing international links across the two countries;

resolving matters of personal property, pensions and remittances, and other problems related to the economic well-being of their people;

examining issues related to dual citizenship.

3. Reaffirming their commitment in paragraph 2 of their Joint Declaration of September 30, the two Presidents agree that the quadripartite mechanism established therein should start its work as soon as possible. Its priority task should be to organize and facilitate the return and the resettlement, under humane conditions, of displaced persons and groups. The two Presidents further agree that their representatives will provide for an exchange of information on missing persons.

4. The two Presidents agree to establish a joint inter-state commission for the consideration of overall security of Boka Kotorska and Dubrovnik. Joint customs controls will be established on the border.

5. The two Presidents agree to discuss, within their respective competencies, all elements concerning the implementation of the Vance Plan at their next meeting with the two Co-Chairmen.

6. The two Presidents reaffirm their determination to exert all their influence towards a just, peaceful solution of the conflict in Bosnia and Herzegovina. They urge all parties to the conflict to direct all necessary efforts towards a cessation of hostilities and


the negotiation of constitutional arrangements for Bosnia and Herzegovina on the basis of agreement between the three constituent peoples. With respect to the delivery of humanitarian aid, President Cosic informed the meeting that his Government had made the necessary preparations for the secure delivery of such aid along the Belgrade-Sarajevo route.

7. The two Presidents express their gratitude to the Co-Chairmen for having convened today's meeting, and agree to meet again on a date to be specified.


Dobrica Cosic

President


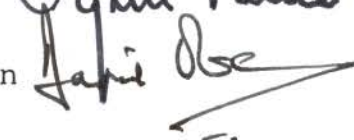
Federal Republic of Yugoslavia


Franjo Tudjman

President

Republic of Croatia

Witnessed by: Cyrus Vance
 David L. Owen

Geneva, 20 October 1992

JOINT STATEMENT

Having met on October 19, 1992 in Geneva under the auspices of the Co-Chairmen of the International Conference on the Former Yugoslavia, Dobrica Cosic, President of the Federal Republic of Yugoslavia, and Alija Izetbegovic, President of the Presidency of the Republic of Bosnia and Herzegovina, wish to make the following statement.

1. The two Presidents welcome the invitation of the Co-Chairmen to hold this meeting and express their appreciation to them. The two Presidents are of the view that the International Conference on the Former Yugoslavia represents the only forum for resolving outstanding problems in the area of the former Yugoslavia, and pledge their support for the efforts of the Co-Chairmen. They reaffirm all commitments entered into at the International Conference in London. Their meeting took place in an open, frank atmosphere and addressed a wide range of issues in a comprehensive fashion.

2. They reaffirm the commitments of the International Conference in London on the inviolability of existing borders, other than through changes reached by peaceful agreement, and agree to intensify work towards the normalisation of relations between the Federal Republic of Yugoslavia and the Republic of Bosnia and Herzegovina on the basis of mutual recognition. They further reaffirm that a comprehensive political solution in Bosnia and Herzegovina must be found by agreement of the Parties within the International Conference in Geneva. All questions concerning succession to the former SFRY will be resolved within the framework of the International Conference or, as appropriate, bilaterally.

3. The two Presidents agree that efforts should be intensified at all levels and by all parties involved in the conflict to effectuate a cessation of hostilities in Bosnia and Herzegovina.

4. They agree on the urgent need to end the blockade of, and to demilitarize, Sarajevo and other cities with the assistance, and under the supervision, of UNPROFOR. In this connection the two Presidents agree that the work of the Mixed Military Working Group should be carried out intensively, with participation at senior military level. The Mixed Military Working Group should meet in continuous and uninterrupted session.

5. They welcome the Statement by the Co-Chairmen of the International Conference issued in Geneva on October 13 last, and will do all within their respective competencies to see that it is carried out as soon as possible. President Cosic informed President Izetbegovic that he had received a report today to the effect that all Bosnian Serb military aircraft had been confined to hangars; upon his return to Belgrade he intended to sign an agreement with Bosnian Serb representatives transferring these aircraft from Bosnia and Herzegovina to the FRY. The two Presidents further agree on the desirability of promptly stationing observers at military airfields as provided for in United Nations Security Council resolution 781, as well as at their common State border.

6. The two Presidents agree on the need for all parties in the conflict to bring under effective command and control all armed units on the territory of the Republic of Bosnia and Herzegovina, and to eliminate all armed bands, para-military groups, and criminal and mercenary elements emanating from whatever source.

7. They declare their total condemnation of all practices related to "ethnic cleansing", and commit themselves to helping reverse that which has already taken place. They will also use their best endeavours to bring about conditions for the return of refugees and displaced persons to their permanent residences. They further declare that all statements or commitments made under duress, particularly those relating to land and property, are null and void. They urge all concerned parties to cooperate fully, promptly, and unconditionally with current efforts, in particular by the International Committee of the Red Cross and the United Nations High Commissioner for Refugees, to free all detainees, close all

detention centres, and assure safe passage of former detainees to secure and safe areas. They further urge all parties to facilitate the safe delivery of all humanitarian assistance to the populace of Bosnia and Herzegovina.

8. The two Presidents note the adoption of United Nations Security Council resolution 780, establishing an impartial Commission of Experts to examine, gather and evaluate evidence of war crimes and crimes against humanity. They express their firm conviction that all perpetrators of criminal acts committed during the armed conflict should be punished in accordance with all relevant legal provisions.

9. The two Presidents agree to meet again with the Co-Chairmen, at a date to be determined. They thank the Co-Chairmen for today's meeting and also express their appreciation at the presence of UNPROFOR Force Commander, Lt. General Satish Nambiar.

JOINT STATEMENT

Having met on October 19, 1992 in Geneva under the auspices of the Co-Chairmen of the International Conference on the Former Yugoslavia, Dobrica Cosic, President of the Federal Republic of Yugoslavia, and Alija Izetbegovic, President of the Presidency of the Republic of Bosnia and Herzegovina, wish to make the following statement.

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2. They reaffirm the commitments of the International Conference in London on the inviolability of existing borders, other than through changes reached by peaceful agreement, and agree to intensify work towards the normalisation of relations between the Federal Republic of Yugoslavia and the Republic of Bosnia and Herzegovina on the basis of mutual recognition. They further reaffirm that a comprehensive political solution in Bosnia and Herzegovina must be found by agreement of the Parties within the International Conference in Geneva. All questions concerning succession to the former SFRY will be resolved within the framework of the International Conference or, as appropriate, bilaterally.

3. The two Presidents agree that efforts should be intensified at all levels and by all parties involved in the conflict to effectuate a cessation of hostilities in Bosnia and Herzegovina.

4. They agree on the urgent need to end the blockade of, and to demilitarize, Sarajevo and other cities with the assistance, and under the supervision, of UNPROFOR. In this connection the two Presidents agree that the work of the Mixed Military Working Group should be carried out intensively, with participation at senior military level. The Mixed Military Working Group should meet in continuous and uninterrupted session.

5. They welcome the Statement by the Co-Chairmen of the International Conference issued in Geneva on October 13 last, and will do all within their respective competencies to see that it is carried out as soon as possible. President Cosic informed President Izetbegovic that he had received a report today to the effect that all Bosnian Serb military aircraft had been confined to hangars; upon his return to Belgrade he intended to sign an agreement with Bosnian Serb representatives transferring these aircraft from Bosnia and Herzegovina to the FRY. The two Presidents further agree on the desirability of promptly stationing observers at military airfields as provided for in United Nations Security Council resolution 781, as well as at their common State border.

6. The two Presidents agree on the need for all parties in the conflict to bring under effective command and control all armed units on the territory of the Republic of Bosnia and Herzegovina, and to eliminate all armed bands, para-military groups, and criminal and mercenary elements emanating from whatever source.

7. They declare their total condemnation of all practices related to "ethnic cleansing", and commit themselves to helping reverse that which has already taken place. They will also use their best endeavours to bring about conditions for the return of refugees and displaced persons to their permanent residences. They further declare that all statements or commitments made under duress, particularly those relating to land and property, are null and void. They urge all concerned parties to cooperate fully, promptly, and unconditionally with current efforts, in particular by the International Committee of the Red Cross and the United Nations High Commissioner for Refugees, to free all detainees, close all

detention centres, and assure safe passage of former detainees to secure and safe areas. They further urge all parties to facilitate the safe delivery of all humanitarian assistance to the populace of Bosnia and Herzegovina.

8. The two Presidents note the adoption of United Nations Security Council resolution 780, establishing an impartial Commission of Experts to examine, gather and evaluate evidence of war crimes and crimes against humanity. They express their firm conviction that all perpetrators of criminal acts committed during the armed conflict should be punished in accordance with all relevant legal provisions.

9. The two Presidents agree to meet again with the Co-Chairmen, at a date to be determined. They thank the Co-Chairmen for today's meeting and also express their appreciation at the presence of UNPROFOR Force Commander, Lt. General Satish Nambiar.

JOINT STATEMENT

Having met on October 19, 1992 in Geneva under the auspices of the Co-Chairmen of the International Conference on the Former Yugoslavia, Dobrica Cosic, President of the Federal Republic of Yugoslavia, and Alija Izetbegovic, President of the Presidency of the Republic of Bosnia and Herzegovina, wish to make the following statement.

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2. They reaffirm the commitments of the International Conference in London on the inviolability of existing borders, other than through changes reached by peaceful agreement, and agree to intensify work towards the normalisation of relations between the Federal Republic of Yugoslavia and the Republic of Bosnia and Herzegovina on the basis of mutual recognition. They further reaffirm that a comprehensive political solution in Bosnia and Herzegovina must be found by agreement of the Parties within the International Conference in Geneva. All questions concerning succession to the former SFRY will be resolved within the framework of the International Conference or, as appropriate, bilaterally.

3. The two Presidents agree that efforts should be intensified at all levels and by all parties involved in the conflict to effectuate a cessation of hostilities in Bosnia and Herzegovina.

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5. They welcome the Statement by the Co-Chairmen of the International Conference issued in Geneva on October 13 last, and will do all within their respective competencies to see that it is carried out as soon as possible. President Cosic informed President Izetbegovic that he had received a report today to the effect that all Bosnian Serb military aircraft had been confined to hangars; upon his return to Belgrade he intended to sign an agreement with Bosnian Serb representatives transferring these aircraft from Bosnia and Herzegovina to the FRY. The two Presidents further agree on the desirability of promptly stationing observers at military airfields as provided for in United Nations Security Council resolution 781, as well as at their common State border.

6. The two Presidents agree on the need for all parties in the conflict to bring under effective command and control all armed units on the territory of the Republic of Bosnia and Herzegovina, and to eliminate all armed bands, para-military groups, and criminal and mercenary elements emanating from whatever source.

7. They declare their total condemnation of all practices related to "ethnic cleansing", and commit themselves to helping reverse that which has already taken place. They will also use their best endeavours to bring about conditions for the return of refugees and displaced persons to their permanent residences. They further declare that all statements or commitments made under duress, particularly those relating to land and property, are null and void. They urge all concerned parties to cooperate fully, promptly, and unconditionally with current efforts, in particular by the International Committee of the Red Cross and the United Nations High Commissioner for Refugees, to free all detainees, close all

detention centres, and assure safe passage of former detainees to secure and safe areas. They further urge all parties to facilitate the safe delivery of all humanitarian assistance to the populace of Bosnia and Herzegovina.

8. The two Presidents note the adoption of United Nations Security Council resolution 780, establishing an impartial Commission of Experts to examine, gather and evaluate evidence of war crimes and crimes against humanity. They express their firm conviction that all perpetrators of criminal acts committed during the armed conflict should be punished in accordance with all relevant legal provisions.

9. The two Presidents agree to meet again with the Co-Chairmen, at a date to be determined. They thank the Co-Chairmen for today's meeting and also express their appreciation at the presence of UNPROFOR Force Commander, Lt. General Satish Nambiar.

JOINT COMMUNIQUE

BELGRADE, September 11, 1992

I We have today reaffirmed our total commitment to the decisions taken in London at the International Conference on the Former Yugoslavia, in particular that all outstanding issues should be resolved by peaceful means, on the basis of existing borders, and in a process of urgent and continuing negotiations.

II Concerning Bosnia and Herzegovina, we have agreed on the following practical steps and objectives:

a) There should be strict observation of the commitment to the collection and supervision of heavy weapons by the agreed expiration date of September 12, 1992;

b) The provision of power and water to Sarajevo, under international management, should be urgently agreed;

c) Every party on the ground must not only commit itself, but take all practical steps, to bring the earliest possible end to all hostilities in and around Sarajevo.

d) We welcome the imminent resumption of talks, without preconditions, on constitutional arrangements for Bosnia and Herzegovina with the participation of all parties. These will take place in Geneva, in a continuous and uninterrupted process, until full agreement is reached.

e) We agree on the desirability of stationing observers on the borders of States neighbouring Bosnia and Herzegovina, as requested by Prime Minister Panic.

f) An agreement in principle has been achieved regarding the placing of observers at military airfields, and a definitive agreement will be reached after consulting the United Nations and Governments concerned.

III With respect to humanitarian issues:

a) We declare our total condemnation of all practices related to "ethnic cleansing", and commit ourselves to helping reverse that which has already happened;

b) We agree that all statements or commitments made under duress, particularly those relating to land and property, are wholly null and void;

c) We urge all concerned parties to cooperate fully, promptly and unconditionally with current efforts, in particular by the ICRC and the

UNHCR, to free all detainees, to close all detention centres and to assure safe passage of former detainees to secure and safe areas;

- d) We further urge all parties to facilitate the safe delivery of all humanitarian assistance;
- e) We strongly support the efforts of all agencies, local and international, to relieve the plight of displaced persons in all territories of the former Yugoslavia.

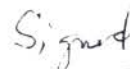
IV

With respect to relations with Croatia:

- a) We welcome the agreement on the imminent reopening of the road between Belgrade and Zagreb and its symbolic designation as a "Road of Peace";
- b) We are committed to make all efforts to improve security around Maslenica Bridge so that repairs can be effected and the bridge reopened for traffic as soon as possible;
- c) We agree that the status of the "Yugoslav Pipeline" should be the subject of urgent discussion, in the framework of the International Conference's Working Groups;
- d) We welcome President Cosic's offer to the Presidents of Croatia, Macedonia and Slovenia to establish mixed committees to normalize and promote economic and practical cooperation. The International Conference's Working Groups on Economic Relations and on Succession Issues will usefully contribute to this work;
- e) An agreement in principle has been achieved regarding the Prevlaka Peninsula. A definitive agreement will be reached after consulting the UN Secretary-General, the UN Security Council and the concerned Governments;
- f) We note the importance of the work of the Joint Commission established by UNPROFOR to deal with issues related to the "Pink Zones" and urge intensified cooperation with those efforts;
- g) We also call on all parties to adhere strictly to the United Nations peacekeeping plan, and in particular to support UNPROFOR's efforts in the Protected Areas to eliminate illegal activities of irregular and paramilitary formations and criminal elements, both Serbian and Croatian.
- h) Given its importance in the provision of water and power to the region, we recognize the urgent need to reach agreement on problems relating to the Peruca Dam.

V

We pledge our mutual cooperation in order to steadily advance the peace process, to reduce the level of violence and curb the flow of arms. We pledge ourselves to swiftly implement the decisions of the International Conference on the Former Yugoslavia.



Dobrica Cosic

Milan Panic

Cyrus R. Vance

David Owen

JOINT COMMUNIQUE

BELGRADE, September 11, 1992

I We have today reaffirmed our total commitment to the decisions taken in London at the International Conference on the Former Yugoslavia, in particular that all outstanding issues should be resolved by peaceful means, on the basis of existing borders, and in a process of urgent and continuing negotiations.

II Concerning Bosnia and Herzegovina, we have agreed on the following practical steps and objectives:

a) There should be strict observation of the commitment to the collection and supervision of heavy weapons by the agreed expiration date of September 12, 1992;

b) The provision of power and water to Sarajevo, under international management, should be urgently agreed;

c) Every party on the ground must not only commit itself, but take all practical steps, to bring the earliest possible end to all hostilities in and around Sarajevo.

d) We welcome the imminent resumption of talks, without preconditions, on constitutional arrangements for Bosnia and Herzegovina with the participation of all parties. These will take place in Geneva, in a continuous and uninterrupted process, until full agreement is reached.

e) We agree on the desirability of stationing observers on the borders of States neighbouring Bosnia and Herzegovina, as requested by Prime Minister Panic.

f) An agreement in principle has been achieved regarding the placing of observers at military airfields, and a definitive agreement will be reached after consulting the United Nations and Governments concerned.

III With respect to humanitarian issues:

a) We declare our total condemnation of all practices related to "ethnic cleansing", and commit ourselves to helping reverse that which has already happened;

b) We agree that all statements or commitments made under duress, particularly those relating to land and property, are wholly null and void;

c) We urge all concerned parties to cooperate fully, promptly and unconditionally with current efforts, in particular by the ICRC and the

UNHCR, to free all detainees, to close all detention centres and to assure safe passage of former detainees to secure and safe areas;

- d) We further urge all parties to facilitate the safe delivery of all humanitarian assistance;
- e) We strongly support the efforts of all agencies, local and international, to relieve the plight of displaced persons in all territories of the former Yugoslavia.

IV

With respect to relations with Croatia:

- a) We welcome the agreement on the imminent reopening of the road between Belgrade and Zagreb and its symbolic designation as a "Road of Peace";
- b) We are committed to make all efforts to improve security around Maslenica Bridge so that repairs can be effected and the bridge reopened for traffic as soon as possible;
- c) We agree that the status of the "Yugoslav Pipeline" should be the subject of urgent discussion, in the framework of the International Conference's Working Groups;
- d) We welcome President Cosic's offer to the Presidents of Croatia, Macedonia and Slovenia to establish mixed committees to normalize and promote economic and practical cooperation. The International Conference's Working Groups on Economic Relations and on Succession Issues will usefully contribute to this work;
- e) An agreement in principle has been achieved regarding the Prevlaka Peninsula. A definitive agreement will be reached after consulting the UN Secretary-General, the UN Security Council and the concerned Governments;
- f) We note the importance of the work of the Joint Commission established by UNPROFOR to deal with issues related to the "Pink Zones" and urge intensified cooperation with those efforts;
- g) We also call on all parties to adhere strictly to the United Nations peacekeeping plan, and in particular to support UNPROFOR's efforts in the Protected Areas to eliminate illegal activities of irregular and paramilitary formations and criminal elements, both Serbian and Croatian.
- h) Given its importance in the provision of water and power to the region, we recognize the urgent need to reach agreement on problems relating to the Peruca Dam.

V

We pledge our mutual cooperation in order to steadily advance the peace process, to reduce the level of violence and curb the flow of arms. We pledge ourselves to swiftly implement the decisions of the International Conference on the Former Yugoslavia.

Signed*Dobrica Cosic**Milan Panic**Cyrus R. Vance**David Owen*

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Dobrica Cosic

Milan Panic

Cyrus R. Vance

David Owen

INTERNATIONAL CONFERENCE
ON THE FORMER YUGOSLAVIA

JOINT DECLARATION

Meeting under the auspices of the Co-Chairmen of the International Conference on the Former Yugoslavia in Geneva, the undersigned Presidents wish to announce the following:

1. The two Presidents reaffirmed the commitments of the International Conference in London on the inviolability of existing borders, other than through changes reached by peaceful agreement, and agreed to intensify work towards the normalisation of relations between the Federal Republic of Yugoslavia and the Republic of Croatia, on the basis of mutual recognition. All questions concerning succession to the former SFRY will be resolved within the framework of the International Conference or, as appropriate, bilaterally.

2. Authorities of the Republic of Croatia and the Federal Republic of Yugoslavia, in close collaboration with the United Nations Protection Force, will undertake urgent, joint measures to ensure the peaceful return to their homes in the United Nations Protected Areas of all persons displaced therefrom who so wish. To that end they propose the prompt

establishment of a quadripartite mechanism -- consisting of authorities of the Government of Croatia, local Serb representatives, representatives of UNPROFOR and the UNHCR -- to assure that this process moves forward. Equally, Serb and Croat people formerly residing on the territory of the Republic of Croatia and the Federal Republic of Yugoslavia should have the right to return in peace to their former homes. Agreement was reached with regard to more resolute action concerning the return of displaced persons to their homes, and to allowing for a voluntary and humane resettlement of those persons wishing to do so between the two States.

3. The two Presidents agree that the Yugoslav Army will leave Prevlaka by October 20, 1992 in accordance with the Vance Plan. Security in the area will be resolved by demilitarization and the deployment of UN Monitors. The overall security of Boka Kotorska and Dubrovnik will be resolved through subsequent negotiations.

4. The two Presidents agree to establish a Joint Interstate Committee for the consideration of all open issues and for the normalisation of relations between the sovereign Republic of Croatia and the Federal Republic of Yugoslavia. In order that a durable peace may be established as soon as possible, particular attention will be given to normalising traffic and economic links.

5. The two Presidents confirm their conviction that all problems between their two States must be settled peacefully. They pledge their best efforts to this end. In that connection, they will exert all their influence towards a just, peaceful solution of the current crisis enveloping Bosnia and Hercegovina.

6. The two Presidents declare their total condemnation of all practices related to "ethnic cleansing", and commit themselves to helping reverse that which has already happened. They also declare that all statements or commitments made under duress, particularly those relating to land and property, are wholly null and void. They urge all concerned parties to cooperate fully, promptly and unconditionally with current efforts, in particular by the ICRC and the UNHCR, to free all detainees, close all detention centres, and assure safe passage of former detainees to secure and safe areas. They further urge all parties to facilitate the safe delivery of all humanitarian assistance.

7. The two Presidents welcome the early stationing of international observers on airfields in their respective countries as a confidence-building measure.

8. The two Presidents agree to meet again on October 20 with the Co-Chairmen. They express their gratitude to the Co-Chairmen for convening to-day's meeting.



Dobrica Cosic

President

Federal Republic of Yugoslavia



Franjo Tudjman


President

Republic of Croatia

Witnessed by:

Cyrus R. Vance

David L. Owen



Geneva, 30 September 1992



Security Council

Distr.
GENERAL

S/RES/781 (1992)
9 October 1992

RESOLUTION 781 (1992)

Adopted by the Security Council at its 3122nd meeting,
on 9 October 1992

The Security Council,

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

Determined to ensure the safety of humanitarian flights to Bosnia and Herzegovina,

Noting the readiness of the parties, expressed in the framework of the London Conference, to take appropriate steps in order to ensure the safety of humanitarian flights and their commitment at that Conference to a ban on military flights,

Recalling in this context the Joint Declaration 1/ signed at Geneva on 30 September 1992 by the Presidents of the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), and in particular paragraph 7 thereof,

Recalling also the agreement reached on air issues at Geneva on 15 September 1992 among all the parties concerned in the framework of the Working Group on Confidence and Security-building and Verification Measures of the London Conference, 2/

Alarmed at reports that military flights over the territory of Bosnia and Herzegovina are none the less continuing,

1/ S/24476, annex.

2/ S/24634, annex.

Noting the letter of 4 October 1992 from the President of the Republic of Bosnia and Herzegovina addressed to the President of the Security Council, 3/

Considering that the establishment of a ban on military flights in the airspace of Bosnia and Herzegovina constitutes an essential element for the safety of the delivery of humanitarian assistance and a decisive step for the cessation of hostilities in Bosnia and Herzegovina,

Acting pursuant to the provisions of resolution 770 (1992) aimed at ensuring the safety of the delivery of humanitarian assistance in Bosnia and Herzegovina,

1. Decides to establish a ban on military flights in the airspace of Bosnia and Herzegovina, this ban not to apply to United Nations Protection Force flights or to other flights in support of United Nations operations, including humanitarian assistance;
2. Requests the United Nations Protection Force to monitor compliance with the ban on military flights, including the placement of observers where necessary at airfields in the territory of the former Yugoslavia;
3. Also requests the United Nations Protection Force to ensure, through an appropriate mechanism for approval and inspection, that the purpose of flights to and from Bosnia and Herzegovina other than those banned by paragraph 1 above is consistent with Security Council resolutions;
4. Requests the Secretary-General to report to the Council on a periodic basis on the implementation of the present resolution and to report immediately any evidence of violations;
5. Calls upon States to take nationally or through regional agencies or arrangements all measures necessary to provide assistance to the United Nations Protection Force, based on technical monitoring and other capabilities, for the purposes of paragraph 2 above;
6. Undertakes to examine without delay all the information brought to its attention concerning the implementation of the ban on military flights in Bosnia and Herzegovina and, in the case of violations, to consider urgently the further measures necessary to enforce this ban;
7. Decides to remain actively seized of the matter.

Mr Vance o/r



FEDERAL REPUBLIC OF YUGOSLAVIA
Federal Government
Prime Minister

October 14, 1992

Lord David Owen
Co-Chairman of the
Geneva Conference

Your Lordship,

I have already informed you that I feel that it would be useful if representatives of the Republic of Serbian Krajina also attended the forthcoming meeting in Geneva.

A written invitation by yourself, Your Lordship, or by Mr. Vance would eliminate any obstacles possibly standing in the way of the arrival of Mr. Goran Hadžić, President of the Republic, Mr. Mile Paspalj, President of the Assembly and Mr. Zdravko Zečević, Prime Minister of the Republic of Serbian Krajina.

I would appreciate it very much, Your Lordship, if such an invitation would be sent at your earliest convenience.

Respectfully yours,

Milan Panić



Security Council

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GENERAL

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Annex III

Concept for a United Nations peace-keeping operation
in Yugoslavia, as discussed with Yugoslav leaders
by the Honourable Cyrus R. Vance, Personal Envoy
of the Secretary-General and Marrack Goulding,
Under-Secretary-General for Special Political Affairs

November/December 1991

General principles

1. A United Nations peace-keeping operation in Yugoslavia would be an interim arrangement to create the conditions of peace and security required for the negotiation of an overall settlement of the Yugoslav crisis. It would not prejudice the outcome of such negotiations.
2. The operation would be established by the United Nations Security Council, acting on a recommendation by the Secretary-General. Before making such a recommendation, the Secretary-General would need to be satisfied that all concerned in the conflict were, in a serious and sustained way, abiding by the arrangements, including an unconditional cease-fire, agreed at Geneva on 23 November 1991. He would also need to receive, through his Personal Envoy, categorical assurances that all the Yugoslav parties concerned in the conflict accepted the concept which he intended to recommend to the Security Council and that they would provide all necessary assistance and cooperation to enable the peace-keeping operation to carry out its functions.
3. The military and police personnel required for the operation would be contributed, on a voluntary basis in response to a request from the Secretary-General, by the Governments of Member States of the United Nations. The contributing States would be approved by the Security Council, on the recommendation of the Secretary-General after consultation with the Yugoslav parties.
4. All members of the peace-keeping operation would be under the operational command of the Secretary-General and would not be permitted to receive operational orders from the national authorities. They would be required to be completely impartial between the various parties to the conflict. Those personnel who were armed would have standing instructions to use force to the minimum extent necessary and normally only in self-defence.
5. In accordance with its normal practice, the Security Council would probably establish the operation for an initial period of six months. Subject to the Council's agreement, the operation would remain in Yugoslavia until a negotiated settlement of the conflict was achieved. The Secretary-General would submit regular reports to the Security Council, normally every six months. These reports would contain his recommendations on extension of the operation's mandate.



6. The operation would be financed collectively by the Member States of the United Nations. But the various Yugoslav authorities would be expected to make available to the United Nations, free of charge, as much as possible of the accommodation and other facilities and supplies, such as food and fuel, that would be required by the operation. They would also be asked to conclude with the United Nations agreements concerning the privileges, immunities and facilities which the operation and its members would need in order to carry out their functions, especially complete freedom of movement and communications.

Basic concept

United Nations troops and police monitors would be deployed in certain areas in Croatia, designated as "United Nations Protected Areas". These areas would be demilitarized; all armed forces in them would be either withdrawn or disbanded. The role of the United Nations troops would be to ensure that the areas remained demilitarized and that all persons residing in them were protected from fear of armed attack. The role of the United Nations police monitors would be to ensure that the local police forces carried out their duties without discriminating against persons of any nationality or abusing anyone's human rights. As the United Nations Force assumed its responsibilities in the United Nations Protected Areas (UNPAs), all JNA forces deployed elsewhere in Croatia would be relocated outside that republic. The United Nations Force would also, as appropriate, assist the humanitarian agencies of the United Nations in the return of all displaced persons who so desired to their homes in the UNPAs.

The United Nations Protected Areas

8. The UNPAs would be areas in Croatia in which the Secretary-General judged that special arrangements were required during an interim period to ensure that a lasting cease-fire was maintained. They would be areas in which Serbs constitute the majority or a substantial minority of the population and where inter-communal tensions have led to armed conflict in the recent past. As already stated, the special arrangements in these areas would be of an interim nature and would not prejudice the outcome of political negotiations for a comprehensive settlement of the Yugoslav crisis.

9. There would be three UNPAs: Eastern Slavonia, Western Slavonia and Krajina. They would comprise the following opstine or parts of opstine:

Eastern Slavonia: Beli Manastir
Those parts of Osijek which lie east of Osijek city
Vukovar
Certain villages in the extreme eastern part of
Vinkovci

/...

Western Slavonia: Grubisno Polje
Daruvar
Pakrac
The western parts of Nova Gradiska
The eastern parts of Novska

Krajina: Kostajnica
Petrinja
Dvor
Glina
Vrgin Most
Vojnic
Slunj
Titova Korenica
Donji Lapac
Gracac
Obrovac
Benkovac
Knin

Before deployment of the Force began, the exact boundaries of the UNPAs would be decided by an advance party of the United Nations Force, after consulting local leaders.

The deployment and functions of the United Nations Force

10. The function of protecting the inhabitants of the UNPAs would be shared between the United Nations Force's infantry units and its civilian police monitors. The infantry would ensure that the UNPAs remained demilitarized. The police monitors would ensure that the local police carried out their duties without discrimination against any nationality and with full respect for the human rights of all residents of the UNPAs.

11. The infantry units would be deployed throughout the UNPAs. They would be lightly armed but would use armoured personnel carriers and helicopters. They would control access to the UNPAs by establishing check-points on all roads and principal tracks leading into them and at important junctions inside them. At these check-points they would stop and, if necessary, search vehicles and individuals to ensure that no military formations or armed groups entered the UNPAs and that no weapons, ammunition, explosives or other military equipment were brought into them. They would patrol extensively inside the UNPAs on foot, and by vehicle and helicopter. They would also investigate any complaints made to them about violations of the demilitarized status of the UNPAs. Any confirmed violations would be taken up with the offending party and would, if necessary, be reported by the Secretary-General to the Security Council. If serious tension were to develop between nationalities in a UNPA, the United Nations Force would interpose itself between the two sides in order to prevent hostilities.

12. The civilian police monitors would also be deployed throughout the UNPAs. They would be unarmed. They would have no executive responsibility for the maintenance of public order but they would closely monitor the work of the local police forces. To this end, they would be co-located with police headquarters in each region and opstina and would accompany the local police on their patrols and in their performance of their other duties. They would investigate any complaints of discrimination or other abuse of human rights and would report to the Chief of the United Nations Force any confirmed cases of discrimination or abuse. They would require free and immediate access to all premises and facilities of, or under the control of, the local police forces.

13. The United Nations Force would also include a group of military observers. They would be unarmed, in accordance with normal United Nations practice. They would initially be deployed in the UNPAs to verify the demilitarization of those areas. As soon as demilitarization had been effected, the military observers would be transferred to parts of Bosnia-Herzegovina adjacent to Croatia. Their functions there would be to patrol extensively, to liaise with the local authorities and to warn the Chief of the United Nations Force if inter-communal tension threatened to disturb the peace and tranquillity established by the Force in the UNPAs. Their good offices would be available to help resolve local difficulties and to investigate allegations of inter-communal tension or aggression. The exact locations in which the military observers would operate would be decided by the advance party of the United Nations Force, after consulting local authorities. There would also be a small detachment of military observers at Dubrovnik.

14. The military and police personnel of the United Nations Force would arrive in Yugoslavia as soon as possible after the Security Council decided to establish the Force. They would be deployed simultaneously in all three UNPAs. The Force's assumption of responsibility for the protection of these areas would be synchronized with the demilitarization process. To this end, close coordination would be required with the commanders of the forces currently deployed in each of the UNPAs and agreed timetables would be established in order to link deployment of the United Nations Force with the demilitarization of each area.

Demilitarization of the UNPAs

15. On the basis of the agreed timetables, demilitarization of the UNPAs would be implemented as rapidly as possible, in the following way:

(a) All units and personnel of the Yugoslav National Army (JNA) and the Croatian National Guard, as well as any Territorial Defence units or personnel not based in the UNPAs, would be withdrawn from them;

(b) All Territorial Defence units and personnel based in the UNPAs would be disbanded and demobilized. Disbandment would involve the temporary

dissolution of the units' command structures. Demobilization would mean that the personnel involved would cease to wear any uniform or carry any weapons, though they could continue to be paid by the local authorities;

(c) The weapons of the Territorial Defence units and personnel based in the UNPAs would be handed over to units of JNA or the Croatian National Guard, as the case might be, before those units withdrew from the UNPAs. Alternatively, they could be handed over to the United Nations Force for safe custody during the interim period, if that arrangement was preferred by the units concerned;

(d) All paramilitary, irregular or volunteer units or personnel would either be withdrawn from the UNPAs or, if resident in them, be disbanded and demobilized.

16. It would be the responsibility of each unit, before it withdrew or was disbanded, to remove any mines which it had laid while deployed in the UNPAs.

17. The implementation of the above arrangements for demilitarization of the UNPAs would be verified by the United Nations Force.

Relocation of the Yugoslav National Army

18. In parallel with the assumption by the United Nations Force of its protective functions in the UNPAs, any JNA units deployed elsewhere in Croatia would be relocated to places outside that republic. A timetable for this relocation would be agreed between the Chief of the United Nations Force and the Federal Secretary for National Defence of the Socialist Federal Republic of Yugoslavia. All Serbian territorial, paramilitary, irregular and volunteer units (other than those disbanded and demobilized in the UNPAs) would similarly withdraw from Croatia. These withdrawals would be verified by the military observers of the United Nations Force.

Local police forces

19. The maintenance of public order in the UNPAs would be the responsibility of local police forces who would carry only side-arms. Each of these forces would be formed from residents of the UNPA in question, in proportions reflecting the national composition of the population which lived in it before the recent hostilities. The local police forces would be responsible to the existing opštine councils in the UNPAs. Any existing regional police structures would remain in place, provided that they were consistent with the principle described above concerning the national composition of the local police forces.



Security Council

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S/24389
7 August 1992

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON THE QUESTION OF SOUTH AFRICA

INTRODUCTION

1. The Security Council considered the question of South Africa at its 3095th and 3096th meetings held on 15 and 16 July 1992, unanimously adopting resolution 765 (1992) at the latter meeting. The full text of that resolution reads as follows:

"The Security Council,

"Recalling its resolutions 392 (1976), 473 (1980), 554 (1984) and 556 (1984),

"Gravely concerned by the escalating violence in South Africa, which is causing a heavy loss of human life and by its consequences for the peaceful negotiations aimed at creating a democratic, non-racial and united South Africa,

"Concerned that the continuation of this situation would seriously jeopardize peace and security in the region,

"Recalling the consensus Declaration on Apartheid and its Destructive Consequences in Southern Africa adopted by the General Assembly at its sixteenth Special Session on 14 December 1989 which called for negotiations in South Africa to take place in a climate free of violence,

"Emphasizing the responsibility of the South African authorities to take all necessary measures to stop immediately the violence and protect the life and property of all South Africans,

"Emphasizing also the need for all parties to cooperate in combating violence and to exercise restraint,

"Concerned at the break in the negotiating process and determined to help the people of South Africa in their legitimate struggle for a non-racial, democratic society,

"1. Condemns the escalating violence in South Africa and in particular the massacre in Boipatong township on 17 June 1992, as well as subsequent incidents of violence including the shooting of unarmed protesters;

"2. Strongly urges the South African authorities to take immediate measures to bring an effective end to the ongoing violence and to bring those responsible to justice;

"3. Calls upon all the parties to cooperate in combating violence and to ensure the effective implementation of the National Peace Accord;

"4. Invites the Secretary-General to appoint, as a matter of urgency, a Special Representative in order to recommend, after, inter alia, discussion with the parties, measures which would assist in bringing an effective end to the violence and in creating conditions for negotiations leading towards a peaceful transition to a democratic, non-racial and united South Africa, and to submit a report to the Security Council as early as possible;

"5. Urges all parties to cooperate with the Special Representative of the Secretary-General in carrying out his mandate; and to remove the obstacles to the resumption of negotiations;

"6. Underlines, in this regard, the importance of all parties cooperating in the resumption of the negotiating process as speedily as possible;

"7. Urges the international community to maintain the existing measures imposed by the Security Council for the purpose of bringing an early end to apartheid in South Africa;

"8. Decides to remain seized of the matter until a democratic, non-racial and united South Africa is established."

2. Immediately after the adoption of resolution 765 (1992), I appointed Mr. Cyrus R. Vance as my Special Representative under the terms of paragraph 4 of the resolution and announced that he would be visiting South Africa as a matter of urgency. I also requested Mr. Virendra Dayal, former Chef de Cabinet, to accompany Mr. Vance on the mission. Assisted by a small team from the Secretariat, the delegation visited South Africa from 21 to 31 July 1992. The present report is being issued pursuant to paragraph 4 of resolution 765 (1992).

I. PROGRAMME OF THE MISSION OF SOUTH AFRICA

3. Given the complexity of the situation in South Africa, the mission endeavoured to hold discussions with the widest range of parties in the country.

4. The programme opened with meetings with President F. W. de Klerk and members of his cabinet on 22 July 1992 and was followed by a further round of talks between the Special Representative and President de Klerk on 30 July 1992. In addition, meetings were separately arranged with Foreign Minister R. F. Botha on 26 July 1992 and with Justice Minister H. J. Coetsee on 31 July 1992.

5. Individual meetings were likewise held, in the following sequence, with delegations of the major political parties. On 23 July 1992, they included the Inkatha Freedom Party (IFP) led by Chief Mangosuthu Buthelezi; the Pan Africanist Congress of Azania (PAC) led by Mr. Clarence Makwetu; the African National Congress (ANC) led by its Vice President Mr. Walter Sisulu, and comprising among others its Secretary-General, Mr. Cyril Ramaphosa, and the Director of its International Affairs Department, Mr. Thabo Mbeki. A further meeting was specially arranged on 29 July 1992 between the Special Representative and the President of ANC, Mr. Nelson Mandela, upon the latter's return to South Africa from a mission abroad. Also seen by the United Nations team on 23 July 1992 was a delegation from the Azanian People's Organization (AZAPO), led by Mr. Phandelani Nefolovhodwe. On 24 July, the United Nations team met with a delegation from the Democratic Party comprising Mr. Zach de Beer and Mr. Colin Eglin. On 25 July, a meeting was held with a delegation of the South African Communist Party (SACP), led by its Chairman, Mr. Joe Slovo.

6. On the same day, 25 July 1992, discussions were, in addition, held with delegations from Bophuthatswana, led by Mr. L. M. Mangope; from Venda, led by Brigadier Ramushwana; from Transkei, led by Major-General Bantu Holomisa; and from Ciskei, led by Brigadier Oupa Gqozo.

7. Discussions with political parties were resumed on 27 July 1992, when the mission met a delegation from the Patriotic Front Parties participating in the Convention for a Democratic South Africa (CODESA) (the Labour Party, led by Mr. Eddie Samuels, and the Transvaal Indian Congress, led by Mr. Cassim Saloojee). On 28 July 1992, the mission received a delegation of the Conservative Party led by Mr. A. P. Treurnicht. This was followed by a meeting on the same day with the National People's Party, led by Mr. A. Rajbansi. On 30 July 1992, the mission received a delegation from the Boerestaats Party, led by Mr. Robert van Tonder. On 31 July 1992, it met with representatives of the Solidarity Party led by Mr. J. N. Reddy, and, subsequently, with a delegation from the Natal Indian Congress comprising Mr. F. M. Meer, Mr. Zac Yacoob and Mr. P. Gordhan.

18. On the subject of negotiations, the Government indicated that only through such a process could South Africa be transformed into a united, non-racial and democratic State; however, the ANC alliance had shown little flexibility. The Government added that it wanted to ensure a system whereby any government that was formed would be with the consent of the vast majority of the governed, that it would be accountable through free and fair elections in a multiparty system, on the basis of one person, one vote; and that it would be brought closer to the people through the devolution of power to regions. Human rights would be entrenched in the Constitution and protected by an independent judiciary. The Government added that, if a transitional Constitution had not been replaced by a final version within three years, a general election could be held to elect a new transitional parliament.

19. The Government stated that there was substantial agreement between it and the ANC alliance when the latter withdrew from the second plenary session of CODESA (CODESA II). However, regional devolution remained a major difference, with the Government strongly supporting a regional government system where powers, functions and boundaries would be agreed to prior to the adoption of the transitional Constitution. The Government denied that those proposals implied a veto power for the "White" segment of the population. The Government added that it had offered flexible time-tables with respect to a transitional Constitution and that draft legislation had been prepared and should have been submitted to Parliament had CODESA not been delayed. It was the view of the Government that both the transitional and final Constitution should provide for a Bill of Rights, maximum devolution of power, various checks and balances, including a bicameral parliament, and proportional representation.

B. Discussions with the political parties

20. These are summarized, as far as possible, in the sequence in which the discussions took place with the United Nations team.

21. IFP, led by Chief Mangosuthu Buthelezi, expressed deep concern that the process of CODESA had been disrupted by the withdrawal of ANC. IFP considered that the structures of CODESA were weak and that its list of participants was seriously incomplete not least because of the exclusion of KwaZulu. Further, CODESA lacked a dispute-resolving machinery at the level of head of party. IFP accordingly felt that there was a need for the convening of a multiparty conference of review to look into the entire situation and to serve as a permanent structure for deadlock resolution. IFP also believed that only a federal constitutional model could reconcile the disparate sectors of South African society and that powers should be devolved from regional governments to the central Government. Without such a concept being adopted, IFP feared the continuation of violence. It deplored what it described as serious violations of the code of conduct for political parties, as laid out in the National Peace Accord, by ANC and its allies. While condemning the Boipatong massacre, IFP also deplored the comparative indifference of the international community to the slaying of its supporters at Crossroads.

22. Led by its President, Mr. Clarence Makwetu, the PAC delegation stated that the CODESA process lacked credibility and should be replaced by a conference chaired by the United Nations and convened in a neutral venue. In the absence of a truly democratic process in South Africa, PAC called on the international community to establish an independent commission to examine the structures of the South African Government so as to ensure free and fair elections in the country. Regarding violence, PAC held the Government of South Africa and its security forces responsible for much of the current violence. It called for a United Nations commission to investigate, monitor and adjudicate matters relating to violence and for the expulsion from South Africa of mercenary forces, such as Koevoet and Battalion 32, under United Nations supervision. PAC also favoured the holding of elections, under United Nations supervision, for a constituent assembly which should draw up a Constitution for a unitary State.

23. The ANC delegation which met with the United Nations team on 23 July 1992 was led by its Vice President, Mr. Walter Sisulu. After reiterating in general terms the conditions of ANC for the resumption of talks, as communicated to President de Klerk by Mr. Mandela, the delegation emphasized in particular the need for the full and speedy implementation of the recommendations of the Goldstone Commission, especially those relating to the fencing of hostels, the disarming of their residents and the prevention of weapons leaving or entering those premises. ANC also stressed the early implementation, by legislation, of the Goldstone Commission recommendation that the carrying of all dangerous weapons in public be prohibited - not only in "unrest areas". Further, ANC called for the disarming and confining to barracks of all special force counterinsurgency units, including Koevoet, Battalions 31 and 32, the Civil Cooperation Bureau (CCB), certain reconnaissance battalions and the Askaris, and an end to all covert operations. Continuing, ANC urged the strengthening of the mechanisms for the implementation of the National Peace Accord, inter alia, by the provision of United Nations monitors, consultants and advisers. The release of all remaining political prisoners was stressed by ANC, as was the repeal of all oppressive legislation including some that, in its view, had been rushed through the last session of Parliament.

24. Referring specifically to the role of the United Nations in furthering the political process, ANC envisaged United Nations monitors in the following sectors: military - to monitor the disbanding and confinement to barracks of special force counterinsurgency units; security - to monitor the South African police; civilian - to monitor the implementation of the National Peace Accord, including the code of conduct for political parties and organizations. In the concept of ANC, the United Nations monitors would maintain "early warning offices" to receive information from the public relating to possible or impending violence.

25. In a working paper handed to the United Nations mission subsequently, ANC stressed the need for an adequate and not merely a symbolic number of United Nations monitors, having freedom of movement and the independent resources

needed to act as the "eyes" of the international community. A size of some 400 to 450 persons was suggested for this purpose, with the monitors having a background, preferably, in policing.

26. A special meeting was arranged between Mr. Vance and Mr. Nelson Mandela on 29 July 1992, soon after the latter's return from a mission abroad. In that meeting, after emphasizing that he wished to return to the negotiations, Mr. Mandela turned to certain of his present concerns. They included the need to release all political prisoners and problems that he had encountered on constitutional matters. Mr. Mandela recounted the status of President de Klerk's discussions with him regarding the percentage of votes required on delicate constitutional issues and reviewed the negotiations that had been held to date. He also explained the current status of negotiations with respect to the creation and powers of a senate, which posed serious problems for him. The continuance of violence remained a grave concern of Mr. Mandela and, in that connection, he reiterated the great importance that he and his Party attached to the full implementation of the recommendations of the Goldstone Commission.

27. The AZAPO delegation led by its President, Mr. Phandelani Nefolovhdodwe, reverted to the idea that the negotiations under way in the country should be chaired by an impartial personality, nominated by the international community. AZAPO also urged the creation of a transitional authority, under international auspices, to supervise the transition to democracy and a United Nations peace-keeping force to assume control of the security of the nation during the transitional period. Without such arrangements, AZAPO could not see a peaceful transition to a democratic South Africa.

28. The delegation of the Democratic Party, comprising Mr. Zach de Beer and Mr. Colin Eglin, drew the attention of the mission to a recent "Independent survey of the violence in South Africa", prepared by the International Commission of Jurists and to the interim reports of the Goldstone Commission. They noted that, while considerable progress had been made nation-wide in setting up the structures envisaged in the National Peace Accord, those structures had not so far been able to achieve very much, largely because of a lack of cooperation from the major parties. They nevertheless constituted an important resource in the effort to end violence and to attain democracy. In the view of the Democratic Party, the international community could play a valuable role through monitoring the situation in South Africa and reporting on it objectively. That applied both to the issue of violence and to the negotiating process. With regard to the latter, international observers could help to ensure steady progress.

29. The SACP delegation led by its Chairman, Mr. Joe Slovo, asserted that the security forces resorted to strategically planned violence and large-scale covert operations. SACP therefore requested comprehensive international monitoring of the security forces, of their deployment, operations, personnel and documentation. The delegation further requested that international monitoring should extend to the activities of the major political players and, indeed, to the State-owned South African Broadcasting Corporation (SABC). As

regards the negotiating process, SACP had considered it essential to withdraw from CODESA as the latter had lost its credibility. It was stressed that those participating in CODESA had not been elected by the people and the Government itself was involved in violence. For the process to resume, the issue of violence and the Government's commitment to democracy had first to be resolved to SACP's satisfaction.

30. The delegation from Bophuthatswana, led by Mr. L. M. Mangope, informed the mission that a way had to be found to "force" the parties back to the CODESA process. He stated that violence in South Africa was the result of one party trying to eliminate the other parties. There was need for liberation movements to convert themselves into political parties; they must cease to have private armies or recourse to intimidation. President Mangope added that any involvement of the United Nations in South Africa must be impartial and totally independent.

31. The delegation from Ciskei, led by Brigadier Oupa Gqozo, stated that CODESA was sabotaged by radicals. His delegation was of the view that only a federal structure, with primary powers vested in the regional governments, could be suitable for South Africa and for Ciskei. He urged a return to negotiations while condemning what he described as repeated acts of violence and destabilization by ANC.

32. Brigadier Ramushwana, leading the delegation from Venda, urged the involvement of the international community in the negotiating process. He stressed the need for an impartial chairperson or convenor as, at present, the South African Government was involved both as a player and as the referee.

33. The delegation from Transkei, led by Major-General Bantu Holomisa, suggested that an international monitoring group should be sent to South Africa to attend to matters to which he had referred in detail when addressing the Security Council at its 3096th meeting on 16 July 1992. Before negotiations could be resumed, State-sponsored violence had to end, as also did the repression of political activity, specifically in some of the homelands. It was added that the use of mercenary formations should be ended in the townships and that such units should be disbanded and repatriated to their countries of origin. There was need to release all political prisoners and to repeal certain security legislation that inhibited legitimate political activity.

34. The Labour Party of South Africa, led by Mr. Eddie Samuels, urged a United Nations peace-keeping presence in South Africa to monitor violence. Observing that the recommendations of the Goldstone Commission had not been acted upon fully, the Labour Party also urged the strengthening of the mechanisms of the National Peace Accord and a more active role by the international community in dealing with the situation in South Africa.

35. The Transvaal Indian Congress, led by Mr. Cassim Saloojee, urged the establishment of an international monitoring commission to end the violence and to clear the way for an interim Government of national unity that would

precede the holding of free and fair elections for a constituent assembly. The international monitoring group would complement the mechanisms set up under the National Peace Accord and oversee the demobilization of special forces such as Koevoet and Battalions 31 and 32.

36. A delegation of the Conservative Party, led by Mr. A. P. Treurnicht, informed the mission that the party was opposed to and rejected any foreign involvement in the South African situation in contravention of Article 2, paragraph 7, of the Charter of the United Nations. The Conservative Party also rejected the concept of a "united South Africa". Instead, it proposed a Southern Africa consisting of States independent of each other but economically interdependent. It preferred a confederal or commonwealth arrangement for the various peoples or nations of Southern Africa, based on their voluntary participation and on a politically independent basis. The party observed that ethnicity was a world-wide reality and could not be ignored in Southern Africa.

37. The National People's Party, led by Mr. A. Rajbansi, stated that the National Peace Accord should be implemented fully. It recommended a strong United Nations monitoring presence as a means of reducing violence and urged the reconvening of CODESA.

38. A delegation of the Boerestaat Party, led by Mr. Robert van Tonder, stressed that South Africa was not a country but a sub-continent comprising some 14 different peoples, who should be allowed to form their individual nation-States. He urged that the Government of South Africa should create a negotiating forum based on a recognition of the existence of different peoples, as well as of their right to restore their statehood. He observed, in that connection, that the Boer Republic of Transvaal and the Free State had been independent and internationally recognized until the Boer War of 1899-1902.

39. The delegation of the Solidarity Party, led by Mr. J. N. Reddy, informed the mission that, just as the South African Government had a legal responsibility to end violence, the people had a moral responsibility to do so. The Party advocated a moratorium on mass actions and called on the signatories to the National Peace Accord to respect and adhere to all of its provisions in order to create a climate conducive to negotiations. The Party favoured an international group, under the auspices of the United Nations, to monitor the violence and to evaluate the process of negotiations.

40. A delegation of the Natal Indian Congress recounted the history of the Indian community in South Africa and of the more recent acts of violence and intimidation against its members. The delegation urged a strong United Nations monitoring presence in South Africa as a way of curbing violence. The monitoring, in the view of the delegation, needed to be comprehensive and "supervisory" and a number of specific suggestions were communicated to the mission in that regard.

C. Discussions with leading individuals, church groups,
business and trade union organizations

41. The mission had extensive discussions, throughout its stay in South Africa, with Justice Richard Goldstone, Chairman of the Commission of Enquiry into Public Violence and Intimidation. Two interim reports of the Commission have already been made public, as well as a report on train violence and on a code of conduct for mass demonstrations. Likewise, a "Report of the enquiry into the police response to, and investigation of, events in Boipatong on 17 June 1992", prepared by Mr. Waddington of Reading University for the Commission, has also been made public. A number of other significant inquiries are under way.

42. In these circumstances, it would either be repetitive or premature to elaborate in the present report on the details of the work being done by the Goldstone Commission. But certain observations, arising from the discussions with Justice Goldstone, need to be made. First, the terms of reference of the Commission are unusually wide and are currently viewed by Justice Goldstone as adequate. Second, its reports, once written, are first submitted to the State President and only after study by the Government are they distributed more widely. Third, the Commission has unusual powers; witnesses are required to answer all questions, even those that may be considered self-incriminating (although statements made before the Commission cannot be used for prosecution). Fourth, the Commission has unlimited powers of search and seizure of documents.

43. These points relating to the Commission are being made because of the exceptional scope of its work and the high expectations generated by its recommendations.

44. From conversations with Justice Goldstone and others, however, it appears that certain important recommendations have not so far been fully implemented and that this is exacerbating an already volatile situation. Notable among these has been the inability so far to effect a total ban on the public display of dangerous weapons, not only in "unrest areas", and a failure to act sufficiently with regard to the hostels. There is also the perception that none of the major political parties has taken sufficiently firm steps to stop its supporters from participating in situations or acts of violence.

45. Indeed, the capacity for political violence is so central to the core of the problems creating a lack of trust in the political life of South Africa that Justice Goldstone, and others with whom the mission discussed this issue, believed that the entire matter should be the subject of a series of further investigations.

46. In undertaking his expanding tasks, Justice Goldstone has already been able to draw upon experience and assistance from abroad. Justice Bhagwati of India serves as an assessor to the Commission. Mr. Waddington of the United Kingdom has already assisted with the report on the police response to the Boipatong tragedy. Justice Goldstone indicated his readiness to keep in touch

with the United Nations should he need its assistance in arranging further international support for his Commission. Further, Justice Goldstone urged the United Nations mission to do all that it could to strengthen the mechanisms created by the National Peace Accord. He was of the view that existing South African structures should be used as the instruments through which the international community should play a role in seeking to curb the violence.

47. The roles of the National Peace Committee and of the National Peace Secretariat, which were established under the National Peace Accord of 14 September 1991, were thoroughly discussed by the mission with Mr. John Hall and Mr. Antonie Gildenhuys, the chairpersons of those two bodies. They explained that the Accord provided a comprehensive framework for ending violence in the country, having been signed, among others, by all of the major political parties, the trade unions and religious and civic organizations. The Accord, apart from envisaging mechanisms at the central, regional and local levels, also elaborated a code of conduct for political parties and organizations which, if followed, would end violence and promote peace and reconstruction.

48. The mission was informed that, at the grass-roots level, the National Peace Secretariat had established 11 regional dispute resolution committees covering all parts of the country. However, despite the avowed intention of all concerned to implement the National Peace Accord, violations had been frequent and the Secretariat itself still lacked the necessary infrastructure, logistic support as well as sufficient full-time personnel to discharge its duties effectively.

49. Most of my Special Representative's interlocutors, as well as the chairpersons of the regional dispute resolution committees with whom he met, urged the United Nations to strengthen the capacity of the National Peace Secretariat through the posting of an adequate number of United Nations observers to South Africa; these observers would work in full consultation with the National Peace Committee.

50. The mission greatly valued the exchange of views it had with Archbishop Desmond Tutu and, subsequently, with a very senior and widely based delegation of the South African Council of Churches. The discussions took place against the backdrop of the failure of efforts to stave off mass demonstrations planned to commence on 3 August 1992 and the fear that that aroused of widespread violence.

51. The leaders of the Church expressed their pain and anguish at the legacy of apartheid, the deadlock at CODESA II, the threat of mass action and the danger of violent response, the rising unemployment in a society without socio-economic balance and the failure of the SACCOLA-COSATU attempt to agree upon a charter for peace, democracy and reconstruction.

52. Faced with a breakdown in constitutional negotiations which, in their view, resulted from a demand on the part of Government to build into any Constitution a minority veto, the Church leaders urged the establishment of an internal peace-keeping force, composed of an entirely newly created unit. They added that an international monitoring team, with investigative powers, should work closely with such an internal peace-keeping force, and called - as had others - for the disarming and confinement to base of special forces that had engaged in covert operations. The Church leaders stressed, not least, that the recommendations of the Goldstone Commission should be fully implemented.

53. As the mission progressed, and as the day for the mass demonstrations grew closer, the Church leaders kept in touch with the Special Representative, keeping him informed of their conversations with the State President and the leaders of COSATU and SACCOLA and of their efforts to restrain violence.

54. The mission also had the benefit of exchanging views with the Lawyers for Human Rights, who also called for a commission to study the feasibility of creating a South African peace-keeping force that would be trusted by all parties. The group also urged the strengthening, through a variety of practical measures, of the machinery created by the National Peace Accord and of the Goldstone Commission.

55. A detailed discussion was held between the mission and the leadership of COSATU. The latter attributed the breakdown in the political process to the unwillingness of the Government to commit itself irrevocably to majority rule and to universal norms of democracy, and its inability to control violence. The COSATU delegation explained its efforts to agree with SACCOLA to a charter and programme for peace, democracy and economic reconstruction and gave its reasons for the failure of that undertaking. In the circumstances prevailing in South Africa, COSATU urged the establishment of an international monitoring mission by the United Nations, independent of the National Peace Accord structures, but complementary to them. As for the mass action, COSATU considered it essential to proceed, as planned, in order to make the Government accede to majority rule and to act against violence. COSATU indicated it would welcome the presence of United Nations monitors to observe the mass action.

56. Amongst the other distinguished individuals received by the mission were Mr. C. Boshoff, Chairman of the Afrikaner Freedom Foundation, seeking self-determination through peaceful means for the Afrikaner people, and Mr. J. H. van der Merwe, an independent Member of Parliament, who expressed his views on the future constitutional arrangements and the need for maximum devolution to the component states.

57. The mission also benefited from gaining the views of Mr. John Dugard, of the Independent Board of Inquiry; Mr. Arthur Chaskalson, of the Legal Resources Centre; Judge Pierre Olivier; and Mr. Van Zyl Slabbert and Mr. Alex Bouraine of the Institute for a Democratic Alternative for South

Africa (IDASA). Special insight was gained into the economic situation in the country through conversations with representatives of SACOB and the National Federation of the Chamber of Commerce (NAFCOC).

D. Interim measures taken while in South Africa

58. While the purpose of the mission remained focused, at all times, on the twin objectives set by paragraph 4 of resolution 765 (1992), namely, "to recommend after, inter alia, discussion with the parties, measures which would assist in bringing an effective end to the violence and in creating conditions for negotiations leading towards a peaceful transition to a democratic, non-racial and united South Africa", it was necessary, even during the mission, to ensure that the mass actions scheduled for 3 August did not erupt into uncontrollable violence despite the wishes of all parties concerned.

59. It was therefore necessary for my Special Representative and me to take certain exceptional interim measures aimed at preventing, if possible, such a catastrophic possibility.

60. Accordingly, upon the advice of my Special Representative, and following discussions which he had held with the Government, ANC and Inkatha at the highest levels, I wrote to President de Klerk, Mr. Mandela and Chief Buthelezi on 27 July 1992 expressing my concern that the mass demonstrations planned for 3 August 1992 could take a turn towards violence, contrary to the wishes of all the parties in South Africa. I noted that such violence could readily be sparked by provocateurs and that that must, by all means, be avoided. I emphasized that it would be tragic and ironical in the extreme if the Vance mission were to be followed by an eruption of violence - a development that would be wholly inconsistent with the purposes of the Security Council resolution. I therefore urged my addressees to do all in their power, in association with the leaders of the principal political parties, to stave off such an eventuality.

61. My letters received an immediate response. In a telephone conversation with me on 29 July 1992, Mr. Mandela, who had met Mr. Vance earlier in the day, assured me that ANC would do all in its power to avoid violence. He requested that I consider sending some 10 observers to witness the demonstrations across the country. Mr. Vance discussed this idea, among others, with President de Klerk and members of his Cabinet on 30 July 1992. There was ready acceptance of the concept, the State President indicating that he had no objection to the presence of impartial and objective observers, representing the Secretary-General, for the purpose of observing the proposed mass campaign. The State President urged that those observers, if sent, should act in coordination with the National Peace Secretariat and have full freedom of movement to observe the demonstrations and mass actions as they chose. In light of these reactions, seven observers were immediately dispatched from New York to supplement three who were present in South Africa. They are, as of the time of writing the present report, observing the mass action in eleven different regions of South Africa.

62. Another major issue on which my Special Representative considered it essential to take immediate steps related to political prisoners who remain under detention and whose fate is of great concern. The matter was raised with him by ANC on 23 July and, again, by Mr. Mandela, on 29 July. Mr. Vance accordingly discussed the question with President de Klerk on 30 July 1992, as he had earlier with Foreign Minister Botha on 26 July 1992. On 31 July 1992, Mr. Vance arranged a meeting on this subject between the Justice Minister, Mr. Coetsee, and the Director of the ANC International Affairs Department, Mr. Mbeki. It is essential that this painful problem should be expeditiously resolved. If so handled, it would, in a bold and humane gesture, do much to bury the past and to clean the slate of distrust.

III. OBSERVATIONS

63. From my discussions with Mr. Vance and Mr. Dayal since their return from South Africa, I have been struck by the range and depth of the talks that the United Nations delegation held while in that country. I have also been profoundly impressed by the open and responsive manner in which they were received by all sectors of society. I view this as further evidence of a transformation taking place in that country as its leaders and peoples strive to create a democratic, non-racial and united South Africa.

64. The path to the attainment of this objective will not be easy. Violence in whatever form must be brought under control and conditions established to ensure the success of the negotiating process. Decades of apartheid have left a painful legacy of distrust and anguish, and these persist despite the resilience and courage of those who wish to see their country on an irreversible new course.

65. The unanimous adoption of resolution 765 (1992) by the Security Council strengthened the hands of those so motivated. It also heightened expectations that the continuous involvement of the Security Council in this new phase of South Africa's evolution will be marked by understanding and a readiness to contribute constructively to the process of peaceful change.

66. It is with this in mind, and in this spirit, that I recommend the measures that follow to bring an effective end to the violence and to create the conditions for the resumption of negotiations envisaged in resolution 765 (1992).

67. It is neither necessary nor possible here to recount the far-reaching work being undertaken by Justice Richard Goldstone, Chairman of the Commission of Enquiry into Public Violence and Intimidation. Suffice it to say that it commands widespread respect in South Africa and abroad. I believe that the efforts of the Goldstone Commission should be supported by the international community and the recommendations of the Commission should be fully and speedily implemented by the Government and, when so required, by the parties in South Africa.

68. Without wishing to select arbitrarily from among the many recommendations of the Goldstone Commission, I believe that those relating to a total ban on the public display of dangerous weapons and the security of hostels need to be acted upon with utmost urgency, as recent events have sadly proven necessary. Further, I believe that the Commission's code of conduct for mass demonstrations can do much to control violence. It is also necessary, in my view, that the leaders of the major political parties should, as the Goldstone Commission recommends, take firm steps to stop their supporters from participating in acts of violence.

69. The long-standing capacity for violence by the various political groups in South Africa is so central to the lack of trust in the political life of the country that I feel it must be remedied. Accordingly, I recommend that the Goldstone Commission undertake a series of investigations into the functioning and operations of certain agencies, inter alia, the army and police, the Umkhonto we Sizwe (MK), the Azanian People's Liberation Army (APLA), the KwaZulu police and, more generally, certain private "security firms". My Special Representative has discussed this proposal with Justice Goldstone and certain of the parties who are of the view that such investigations could indeed serve to curb violence and be of benefit to the country as a whole. While such investigations would widen the scope of the work of the Goldstone Commission, they could be undertaken within its present terms of reference. Should the Commission need further financing for its expanded work, I would urge the Government to be forthcoming.

70. The Commission has welcomed suitable international assistance. Certainly the Waddington report and the assessorship of Justice Bhagwati have been very positive developments. It may well be useful in the future to have senior personnel seconded to the Commission, in addition to a pool of jurists to sit on the committees of inquiry. The choice of properly qualified, suitable and compatible persons will need to be adequately and sufficiently addressed. Should Justice Goldstone feel the need, at any stage, for assistance from the international community and the United Nations in this regard, I recommend that the Organization respond positively and appropriately.

71. The reports of the Goldstone Commission when written are, at present, submitted first to the State President and only after being reviewed by the Government are they made public more widely. I believe political and public opinion in South Africa would welcome the reports being made available to all signatories of the National Peace Accord within 24 hours of submission to the State President. I recommend this course of action, which would enhance the impact and credibility of the reports.

72. Finally, as far as the Goldstone Commission is concerned, I believe it is essential that any further investigations and prosecutions that are required pursuant to its reports should be undertaken promptly by the competent departments of the Government. Such action would enhance the credibility of the law enforcement machinery of the country.

73. The National Peace Accord of 14 September 1991 establishes a comprehensive framework, agreed upon by all the major parties, organizations and groups of South Africa, to end violence and to facilitate socio-economic development and reconstruction. The mechanisms foreseen under the Accord, however, lack teeth and need to be greatly strengthened. This was the unanimous view of all those who discussed this matter with the United Nations delegation, including those who are associated with the existing structures of the National Peace Secretariat.

74. Both the National Peace Committee and the National Peace Secretariat need to be more consistently and substantially supported from the highest political levels, as do the 11 regional dispute resolution committees covering all parts of the country. Most importantly, they require financing and full-time staff of the requisite calibre. Further, there is desperate need for efficient, functioning offices or operations centres at the major "flashpoints"; these should be staffed on a 24-hour basis and fully funded and equipped. For each of such offices there should be a standing group composed of representatives of the Government, ANC, Inkatha and other concerned parties. Such offices should be capable at all times of acting immediately to defuse incipient problems; they should have prompt and direct access to law enforcement agencies. I recommend the earliest establishment of such offices.

75. I have reflected deeply on the many serious requests made to the United Nations to dispatch monitors to South Africa for the various purposes referred to above. I understand the concerns expressed and the anxieties they reflect. I am most appreciative of the many bold and constructive ideas conveyed to my Special Representative in the course of his discussions and I have weighed these most carefully.

76. Given the mechanisms already established by the National Peace Accord, to which all parties have agreed, I have concluded that, at this stage, the wisest course of action would be to strengthen and reinforce those mechanisms. Such action would, in my view, contribute tangibly to enhancing the capacity of indigenous structures that can play a major role in the building of peace, both in the present and in the future. I recommend, accordingly, that the United Nations make available some 30 observers to serve in South Africa, in close association with the National Peace Secretariat, in order to further the purposes of the Accord. The observers would be stationed in agreed upon locations, in various parts of South Africa. As necessary, their number could be supplemented by other appropriate international organizations, such as the Commonwealth, the EC and the Organization of African Unity (OAU). I am of the view that the practical arrangements stemming from this recommendation should be the subject of early and detailed discussions between the United Nations, the Government and the parties concerned. I believe, in this connection, that the experience gained by the dispatch of 10 United Nations observers to cover the present mass demonstrations could serve a valuable purpose in defining the tasks and methods of functioning of the larger group that I am recommending.

77. I would also urge that the Government act expeditiously to ensure the early appointment of the Justices of Peace and the establishment of the special criminal courts envisaged in the National Peace Accord.

78. The reasons for the violence in South Africa are, of course, complex and deep. But the special desperation that apartheid brought to the country can, in the long run, only be remedied by rapid progress towards the creation of the democratic, non-racial and united South Africa that is the goal of the negotiations and the objective not only of the CODESA process but of the international community as a whole.

79. The task of conducting these negotiations is uniquely the responsibility of South Africans themselves, and I was heartened by statements made to my Special Representative of the determination of the major parties to return, as early as possible, to the negotiating table. I urge such a course of action, for the time otherwise lost is precious and even more so are the lives. I am strongly of the view that actions such as the immediate release of all remaining political prisoners could contribute greatly to improving the political climate, creating trust and burying the unhappy past. In this connection, it is also important that reporting on State-owned radio and television be, and be seen to be, fair and objective.

80. For all of its shortcomings, the CODESA process must be pursued and improved. I believe it needs to encourage others, who have not yet joined, to do so, in the interests of the country and of peace. I am convinced that its processes must be better coordinated and made much more transparent. Considerable progress has been accomplished in the working groups, but too few know of this, or of the precise issues that need to be resolved. There is a manifest need to establish a deadlock-resolving machinery at the highest political level. In addition, there may well be need for CODESA to consider the appointment of an eminent and impartial person, who need not be a foreigner, to draw the strings together and to provide the impetus and cohesion that CODESA needs to accomplish its tasks. I recommend that these ideas be considered further by all concerned in South Africa.

81. In a time such as this, crucial to South Africa and the world alike, it is most important that the Security Council should have decided, in its resolution 765 (1992), to "remain seized of the matter until a democratic, non-racial and united South Africa is established".

82. To discharge its function, I believe that the Security Council should have before it information that is regular, impartial and objective. To this end, I would propose that missions such as that just completed should be undertaken on a quarterly basis or more frequently, if the situation so warrants, and that reports be provided to the Council.

83. The role of the international community and of the United Nations in particular can, at this moment, be profound and beneficial. It can facilitate a great and peaceful transition of historic proportion in a part of the world that has suffered too long.

Annex

Schedule of meetings of the Special Representative
of the Secretary-General for South Africa

Pretoria, 22 July 1992

Meetings with State President and Cabinet Ministers:

Morning

Mr. F. W. de Klerk, State President

Mr. R. F. Botha, Minister for Foreign Affairs

Mr. G. van N. Viljoen, Minister of State Affairs

Mr. R. P. Meyer, Minister of Constitutional Development and of Communication

Mr. H. J. Kriel, Minister of Law and Order

Mr. H. J. Coetsee, Minister of Justice

Mr. G. Louw, Minister of Defence

Luncheon

Mr. F. W. de Klerk, State President

Mr. R. F. Botha, Minister for Foreign Affairs

Mr. G. van N. Viljoen, Minister of State Affairs

Mr. D. J. de Villiers, Minister for Public Enterprises

Mr. H. J. Coetsee, Minister of Justice

Mr. H. J. Kriel, Minister of Law and Order

Mr. R. P. Meyer, Minister of Constitutional Development and of Communication

Mr. G. Louw, Minister of Defence

Afternoon

Mr. G. van N. Viljoen, Minister of State Affairs

Mr. R. P. Meyer, Minister of Constitutional Development and of Communication

Mr. D. J. de Villiers, Minister for Public Enterprises

/...

Mr. S. J. de Beer, Minister of Education and Training

Mr. E. H. Venter, Minister of National Health

Mr. L. Wessels, Minister of Local Government and National Housing

Mr. P. G. Marais, Minister of National Education

Mr. R. F. Botha, Minister for Foreign Affairs

Mr. D. L. Keys, Minister of Finance and of Trade and Industry

Mr. D. J. de Villiers, Minister for Public Enterprises

Johannesburg, 23 July 1992

Morning

Inkatha Freedom Party (IFP)

Chief Mangosuthu Buthelezi, President
Mr. F. T. Mdlalose, Chairman
Mr. Inkosi S.H. Gumede, Deputy
Secretary-General
Mr. Dennis Madide, Executive Committee of the
Central Committee
Mr. B. S. Ngubane, Executive Committee of the
Central Committee
Mr. Joe Matthews, Personal Adviser to the
President

Pan Africanist Congress
of Azania (PAC)

Mr. Clarence Makwetu, President
Mr. Barney Desai, Secretary for Information
and Publicity
Mrs. Patricia de Lille, Secretary for Relief
and Aid
Mr. Tobela Gola, Assistant General Secretary
Mrs. Elizabeth Sibeko, Secretary for
Projects and Development
Mr. Mark Shinnars, Secretary for Transport
Mr. Mike Matsobane, Secretary for Religious
Affairs
Mr. Benny Alexander, Secretary-General

Afternoon

African National Congress (ANC)

Mr. Walter Sisulu, Vice President
Mr. Cyril Ramaphosa, Secretary-General and
member of the National Executive Committee
Mr. Thabo Mbeki, Director, International
Affairs Department and member of the
National Executive Committee

Mr. Jacob Zuma, Deputy Secretary-General and member of the National Executive Committee
Mr. Aziz Pahad, Deputy Director, International Affairs Department, and member of the National Executive Committee
Ms. Gertrude Shope, member of the National Executive Committee, and Head of the ANC Women's League
Ms. Barbara Masekela, Administrative Secretary in the President's Office and member of the National Executive Committee
Mr. Peter Mokaba, member of the National Executive Committee and Head of the ANC Youth League
Mr. Mac Maharaji, member of the National Executive Committee and ANC Negotiations Committee
Mr. Joel Netshitenzhe, member of the National Executive Committee and Negotiations Committee
Mr. Alfred Nzo, member of the National Executive Committee (former ANC Secretary-General)
Mr. Phandelani Nefolovhodwe, President
Mr. Mbulelo Rakwena, Foreign Secretary
Mr. Victor Dlamini, Transvaal President
Mr. Molatlhegi Tlale, President, Political Education
Mr. Lybon Mabasa, Projects Coordinator
Mrs. Mojanku Gumbi, Legal Secretariat
Mr. Mandla Mtsweni, Secretary for Culture

Azanian People's
Organization (AZAPO)

Johannesburg, 24 July 1992

Morning

Commission of Enquiry into
Public Violence and
Intimidation

National Peace Committee
National Peace Secretariat

Afternoon

Archbishop Desmond Tutu

Democratic Party

Justice Richard Goldstone

Mr. John Hall, Chairman
Mr. Antonie Gildenhuys, Chairman

Mr. Zach de Beer
Mr. Colin Eglin

South African Council of
Churches

Bishop S. Mogoba, Presiding Bishop of the
Methodist Church of Southern Africa
Bishop S. E. Serote, Presiding Bishop of the
Evangelical Lutheran Church in Southern
Africa
Archbishop T. Ntongana, Archbishop of the
African Independent Church
Mr. B. Naude, Honourary Life Vice-President
of the South African Council of Churches
The Rt. Reverend W. Napier, Bishop of the
South African Catholic Bishops Conference
The Rt. Reverend W. Napier, Bishop of the
Johannesburg Diocese of the Church of the
Province of Southern Africa
Reverend Frank Chikane, General Secretary,
South African Council of Churches
Ms. B. Bam, Deputy General Secretary, South
African Council of Churches

Johannesburg, 25 July 1992

Morning

Breakfast meeting with
Mr. Van Zyl Slabbert, Institute
for a Democratic Alternative for
South Africa (IDASA)

South African Communist Party

Mr. Joe Slovo, Chairman
Mr. Chris Hani, Secretary-General
Mr. Jeremy Cronin
Mr. Essop Pahad
Ms. Kay Moonsamy
Mr. Sizakek Sixgashe
Mr. Tuenjine Minutso
Ms. Geraldine Fraser

Afternoon

Transkei

Major General M. Bantu Holomisa, Chairman
Colonel M. A. Ntshinga, Minister of Police
Mr. T. Titus, Legal Adviser

Bophuthatswana

Mr. L. M. Mangope, President
Mr. T. M. Setiloane, Minister for Foreign
Affairs
Mr. R. Cronje, Minister for State Affairs
Mr. S. G. Mothibe, Minister of Justice
Mr. B. E. Keikelame, Minister of Economic
Affairs
Mr. S. S. Seane, Deputy Minister for
Population Development
Mr. J. K. Manyapelo, Ambassador

Venda

Brigadier M. G. Ramushwana, Head of State
Mr. S. E. Moeti, Secretary-General
Mr. G. M. Ligege, Counsellor
Mr. K. B. Magwaba, Counsellor
Mr. S. R. Makhuvha, Counsellor
Mr. M. P. Nthabalala
Mr. N. E. Mulaudzi

Ciskei

Brigadier Oupa Gqozo, President
Mr. H. J. S. Kayser, Minister of Health
Mr. P. P. Jacobs, Minister of Education
Chief L. W. Magoma, Minister of Manpower
Mr. M. Webb, Adviser to the President

26 July 1992

Morning - Soweto

Attend service at St. Paul's
Anglican Church

Afternoon - Pretoria

Mr. R. F. Botha, Minister for
Foreign Affairs

Johannesburg, 27 July 1992

Morning

Afrikaner Freedom Foundation

Mr. Carel Boshoff, Chairman, and Trustee for
Constitutional Affairs
Mr. Andries Raath, University of the Orange
Free State

Patriotic Front Parties
in CODESA

(a) Labour Party

Mr. Eddie Samuels, Secretary-General
Mr. Miley Richards, Deputy Leader
Mr. Peter A.C. Hendrickse, National Public
Relations Officer

(b) Transvaal Indian Congress

Mr. Cassim Saloojee, President
Mr. Moosa Moolla, General Secretary

Afternoon

Mr. J. H. van der Merwe,
Independent Member of Parliament

Mr. John Dugard, Independent
Board of Inquiry

Mr. Brian Currin, Lawyers for
Human Rights

Mr. Arthur Chaskalson, Legal
Resources Centre

Judge Pierre Olivier, Project
Leader, Law Commission's
investigation into the
possible constitutional options
and alternatives for Africa

Johannesburg, 28 July 1992

Morning

Congress of South African
Trade Unions (COSATU)

Mr. Godfrey Oliphant, Vice President
Mr. Ronald Mofokeng, National Treasurer
Mr. Jay Naidoo, General Secretary
Mr. Sam Shilowa, Assistant General General
Mr. Jayendra Naidoo, National Negotiations
Coordinator
Mr. Alli Erwin, National Education Officer,
NUMSA and COSATU economist

Conservative Party

Mr. A. P. Treurnicht, Leader
Advocate Thomas Langley, Member of
Parliament for Soutpansberg, and Chief
Spokesman on Foreign Affairs for the Party

Advocate Chris de Jager, Member of
Parliament, and Conservative Party
Spokesman on Justice and adviser on
constitutional matters
Mr. Jal Theron, Chief Secretary
Mr. Paul Fouche, Leader of the Conservative
Party in the Pretoria City Council

Justice Richard Goldstone,
Chairman, Commission of Enquiry
into Public Violence and
Intimidation

Afternoon

National People's Party

Mr. A. Rajbansi, Member of Parliament;
Leader of National People's Party; member
of Management Committee of CODESA; and key
delegate to Working Group 3 dealing with
transitional arrangements
Mr. M. Mohanlall, Member of Parliament;
Public Relations Officer of Party; key
delegate to Working Group 2 dealing with
constitutional principles at CODESA
Mr. D. K. Padayachie, Member of Parliament;
Chief Whip of Opposition Party; delegate at
CODESA
Mrs. D. Govender, Member of Parliament;
delegate at CODESA dealing with the four
Independent States
Mr. H. M. Neerahoo, Member of Parliament and
Adviser to Working Group 2 at CODESA
Mr. S. Ismail, Delegate in Working Group 2
at CODESA
Mr. D. Chetty, Delegate in Working Group 1
at CODESA

United Kingdom of Great
Britain and Northern Ireland/
United States delegation

Mr. Mark Elliott, Deputy Under-Secretary
of State for Africa and the Middle East,
United Kingdom;
Mr. James Poston, Chargé d'affaires, British
Embassy;
Mr. Marshall McCallie, Chargé d'affaires,
United States Embassy

European Community

Mr. Anthony Bousmar, Second Secretary,
Embassy of Belgium
Mr. Peter Hansen, Chargé d'affaires, Royal
Danish Embassy
Mr. Christian Massett, First Counsellor,
Embassy of France
Mr. Wolf-Ruthart Born, First Counsellor,
Embassy of Germany
Mr. Michael Schmunk, First Counsellor,
Embassy of Germany
Mr. Nicolas Protonotarios, Second Secretary,
Embassy of Greece
H. E. Mr. Mario Piersigilli, Ambassador,
Embassy of Italy
H. E. Mr. Piet van Burren, Ambassador, Royal
Netherlands Embassy
H. E. Mr. Jorge Ritto, Ambassador, Embassy
of Portugal
Mr. Juan Gonzalez-Barba, Second Secretary,
Embassy of Spain
Mr. Tim Sheehy, European Community Office

International Committee of the
Red Cross

Mr. Toni Pfanner, Head of Regional Delegation

International Federation of
National Red Cross and Red
Crescent Societies

Mr. Tom W. Buruku, Head of Delegation in
South Africa

29 July 1992

Morning

Mr. Nelson Mandela, President,
African National Congress

Visit to Boipatong and
Crossroads

30 July 1992

Morning

National Federation of the
Chamber of Commerce (NAFCOC)

Mr. Archie Nkonyeni, President
Mr. Morley Nkosi, Executive Secretary

Mr. Alex Boraine, Institute for
a Democratic Alternative for
South Africa (IDASA)

Representatives of regional
(RDRC) and local (LDRC)
dispute-resolution committees

Mr. Antonie Gildenhuys, Chairperson,
National Peace Secretariat
Mr. Philip Schalkwyk, Chairperson,
Northern Transvaal RDRC
Mr. M. C. Pretorius, Chairperson,
Natal/KwaZulu RDRC
Mr. Jaap Durandt, Vice-Chairperson, Western
Cape RDRC
Mr. Ray Dibden, Chairperson, Eastern
Transvaal RDRC
Bishop Trevor v Z de Bruyn, Chairperson,
Border/Ciskei RDRC
Mr. Henri Lerm, Chairperson, Orange Free
State RDRC
Mr. Brian Smith, Chairperson, Eastern Cape,
RDRC
Mr. Andre Lambrecht, Chairperson, Wits/Vaal
RDRC
Mr. Rupert Lorimar, Vice-Chairperson,
Wits/Vaal RDRC
Mr. Phiroshaw Camay, Chairperson, Thokoza
LDRC
Mr. Mike Beea, member: Alexandra Crisis
Committee
Mr. Deon Rudman, Executive Director,
National Peace Secretariat

Boerestaats Party

Mr. Robert van Tonder, Leader of Delegation
Mr. C. Vermaak, Executive Member
Mr. A. Terblanche, Executive Member
Mr. D. Rautenbach, Executive Member
Mr. G. Volschenk, Leader of the Boer
Commandos

Afternoon

Meeting with State President
followed by luncheon with him
and members of the Cabinet in
Pretoria

31 July 1992

Morning

South African Chamber of
Business (SACOB)

Mr. Spenser Sterling, SACOB Vice-President;
Chairman, South African Motor Corporation
Mr. Les Weil, SACOB Vice-President; Chairman,
J.H. Isaacs Group Ltd.

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Mr. Raymond Parsons, SACOB Director-General
Mr. Bokkie Botha, Chairman of the South
African Employers' Consultative Committee
on Labour Affairs; Vice-Chairman, SACOB
Human Resources Committee
Mr. Leslie Boyd, Deputy Chairman, Anglo
American Corporation of South Africa Ltd.;
Past President of SACOB
Mr. Mervyn King, Chairman, Consolidated
Frame Group; Senior Vice-President of
Johannesburg Chamber of Commerce and
Industry
Mr. Reinhard Kunstler, Managing Director,
BMW SA (Pty) Ltd.
Mr. Denzil McGlashan, Director, Malbak
Limited
Mr. Clive Menell, Deputy Chairman,
Anglovaal SA Ltd.
Mr. Donald Ncube, Group Industrial Relations
Consultant, Anglo American Corporation of
South Africa Ltd.
Mr. Mike Ntlatleng, Marketing Manager,
Foundation for African Business and
Consumer Services
Mr. Conrad Strauss, Chairman, Standard Bank
Mr. Willem van Wyk, Managing Director, Iron
and Steel Corporation of South Africa Ltd.

Mr. H. J. Coetsee, Minister of
Justice; and Mr. Thabo Mbeki,
Director, International Affairs
Department, ANC

Solidarity Party

Mr. J. N. Reddy, Leader, accompanied by
members of the Solidarity Party

Afternoon

Luncheon with newspaper editors
hosted by Mr. Jim Jones, Editor
of Business Day (Sunday Times;
The Star; Rapport; Sowetan;
Citizen; New Nation; Beeld;
Business Day; City Press;
Weekly Mail)

Natal Indian Congress

Mr. F. M. Meer
Mr. Zac Yacoob
Mr. P. Gordhan

Depart for airport



Security Council

Distr.
GENERAL

S/RES/762 (1992)
30 June 1992

RESOLUTION 762 (1992)

Adopted by the Security Council at its 3088th meeting,
on 30 June 1992

The Security Council,

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

Noting the report of the Secretary-General of 26 June 1992 submitted pursuant to resolution 752 (1992), 1/

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

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

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

1. Approves the report of the Secretary-General of 26 June 1992; 1/
2. Urges all parties and others concerned to honour their commitments to effect a complete cessation of hostilities and to implement the United Nations peace-keeping plan; 2/

1/ S/24188.

2/ S/23280, annex III.

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

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

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

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

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

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

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

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

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

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