

Chapter V

Europe and the Mediterranean

In 2005, the restoration of peace and stability in the post-conflict countries of Europe and the Mediterranean gained momentum as the advances made in re-establishing their institutions and social and economic infrastructure were further consolidated. However, many political issues and situations remained unresolved.

Bosnia and Herzegovina, with the assistance of the international community, led by the European Union (EU), continued to reform its institutions, allowing it to meet the requirements of the EU Stabilization and Association Process and the North Atlantic Treaty Organization Partnership for Peace Programme, and thus move closer to full integration into Europe.

In Kosovo (Serbia and Montenegro), the United Nations continued to assist in building a modern, multi-ethnic society through the United Nations Interim Administration Mission in Kosovo (UNMIK). Significant progress was made by the Provisional Institutions of Self-Government in implementing the standards established in 2002 that Kosovo had to attain, despite some delays and setbacks. That allowed UNMIK to further transfer authority to those institutions, including police and justice responsibilities to the new ministries of interior and justice. In May, the Secretary-General appointed a Special Envoy to assess whether the conditions were right to begin the political process for determining Kosovo's future status. Based on that review and the Secretary-General's recommendation, the Security Council decided, on 24 October, to launch that process. Advances were also made in normalizing relations between the authorities in Pristina (Kosovo's capital) and Belgrade (Serbia and Montenegro).

Renewed efforts were made to end the stalemate in the Georgian/Abkhaz peace process. Senior officials of the Group of Friends of the Secretary-General (France, Germany, Russian Federation, United Kingdom, United States) tried to get the two parties to restart dialogue on the basis of the 2001 Basic Principles for the Distribution of Competences between Tbilisi (Georgian Government) and Sukhumi (the Abkhaz leadership). That initiative was boosted when the discussions on security matters led to the signing of a protocol and adoption of measures to strengthen the 1994 Agreement on a Ceasefire

and Separation of Forces (Moscow Agreement). However, the complex political situations between the two sides prevailed, as evidenced by Georgia's call for the withdrawal of the security forces of the Commonwealth of Independent States and for a UN-led international force.

No progress was made towards a settlement of the conflict between Armenia and Azerbaijan over the Nagorny Karabakh region in Azerbaijan.

In the Mediterranean, the situation in Cyprus remained unresolved, following the failed 2004 peace efforts. The Secretary-General, having assessed the situation, determined that progress had been negligible between the Greek Cypriots and the Turkish Cypriots, and concluded that further clarifications were needed before negotiations could be resumed. He also reviewed the mandate and concept of operations of the United Nations Force in Cyprus.

The former Yugoslavia

UN operations

In 2005, the United Nations maintained one peacekeeping mission in the territories of the former Yugoslavia. Through the United Nations Interim Administration Mission in Kosovo, it continued efforts to restore peace and stability to the Serbia and Montenegro province of Kosovo. Peace activities in Bosnia and Herzegovina were conducted by the European Union, through the European Union Police Mission and the European Union Force.

Financial status and liquidation of closed peacekeeping operations

UNMIBH

In March [A/59/751], the Secretary-General submitted the final performance report on the budget of the United Nations Mission in Bosnia and Herzegovina (UNMIBH), which ended on 31 December 2002, in which he recommended that the General Assembly retain the cash balance of \$7,182,000 available in the UNMIBH special account as at 30 June 2004.

The Advisory Committee on Administrative and Budgetary Questions (ACABQ), in its 18 April report [A/59/736/Add.8], recommended approval of the Secretary-General's recommendations.

GENERAL ASSEMBLY ACTION

On 22 June [meeting 104], the General Assembly, on the recommendation of the Fifth (Administrative and Budgetary) Committee [A/59/832], adopted **resolution 59/302** without vote [agenda item 125].

Financing of the United Nations Mission in Bosnia and Herzegovina

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Mission in Bosnia and Herzegovina and the related report of the Advisory Committee on Administrative and Budgetary Questions,

1. *Takes note* of the proposal of the Secretary-General contained in paragraph 13 of his report and his intention to report to the General Assembly at its sixtieth session on the matter;

2. *Also takes note* of the status of outstanding contributions to the United Nations Mission in Bosnia and Herzegovina as at 15 April 2005 in the amount of 27.9 million United States dollars, representing some 3 per cent of the total assessed contributions, notes with concern that only one hundred and fifteen Member States have paid their assessed contributions in full, and urges all other Member States, in particular those in arrears, to ensure payment of their outstanding assessed contributions;

3. *Expresses its appreciation* to those Member States that have paid their assessed contributions in full, and urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the Mission in full;

4. *Endorses* the conclusions and recommendation contained in the report of the Advisory Committee on Administrative and Budgetary Questions;

5. *Decides* to postpone the return of the net cash balance of 7,182,000 dollars available as at 30 June 2004 in the Special Account for the United Nations Mission in Bosnia and Herzegovina;

6. *Also decides* that updated information on the financial position of the Mission shall be included in the report to be considered by the General Assembly at its sixtieth session on the updated position of closed peacekeeping missions under the agenda item entitled "Administrative and budgetary aspects of the financing of the United Nations peacekeeping operations";

7. *Further decides* that the item entitled "Financing of the United Nations Mission in Bosnia and Herzegovina" shall be deleted from its agenda.

Bosnia and Herzegovina

In 2005, efforts to assist the two entities comprising the Republic of Bosnia and Herzegovina—the Federation of Bosnia and Herzegovina (where

mainly Bosnian Muslims (Bosniacs) and Bosnian Croats resided) and Republika Srpska (where mostly Bosnian Serbs resided)—in implementing the 1995 General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (the Peace Agreement) [YUN 1995, p. 544] were conducted by the European Union (EU). Those efforts were accomplished through the activities of the Office of the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina, responsible for the Agreement's civilian aspects [YUN 1996, p. 293], and the European Union Police Mission in Bosnia and Herzegovina (EUPM). The EU Force (EUFOR) mission executed the responsibilities for the Agreement's military aspects, which were transferred to it by the North Atlantic Treaty Organization (NATO) in December 2004 [YUN 2004, p. 401]. The Peace Implementation Council (PIC) and its Steering Board continued to oversee and facilitate the Agreement's implementation.

The High Representative reported on the progress made in the implementation process and related political developments in the country during the year in the context of his mission implementation plan, which set out a number of core tasks to be accomplished [YUN 2003, p. 401]. Bosnia and Herzegovina undertook a number of reforms, particularly in areas of the rule of law, refugee return, police restructuring, defence reform and economic development, in accordance with European standards, and also continued to work towards full integration into Europe through the EU Stabilization and Association process and NATO's Partnership for Peace requirements. Having made sufficient progress in completing legislative and other requirements of the European Commission feasibility study [*ibid.*, p. 402], the European Council launched formal talks on a stabilization and association agreement on 25 November.

Implementation of Peace Agreement

Civilian aspects

The civilian aspects of the 1995 Peace Agreement entailed a wide range of activities, including humanitarian aid, infrastructure rehabilitation, establishment of political and constitutional institutions, promoting respect for human rights and the holding of free and fair elections. The High Representative for the Implementation of the Peace Agreement, who chaired the PIC Steering Board and other key implementation bodies, was the final authority with regard to implementing the civilian aspects of the Peace Agreement [YUN 1995, p. 547]. The reports on EUPM activities

were submitted by the EU Secretary-General and High Representative for the Common Foreign and Security Policy, Javier Solana, to the Security Council President through the UN Secretary-General.

Office of the High Representative

Reports of High Representative. The High Representative, Lord Paddy Ashdown (United Kingdom), reported to the Security Council through the Secretary-General on the peace implementation process for the periods 1 January to 30 June 2005 [S/2005/706] and 1 July 2005 to 31 January 2006 [S/2006/75], describing progress in the implementation of the Peace Agreement's civilian aspects. (For details on specific topics in the report, see below).

The Council, on 23 March, considered the High Representative's report covering the latter half of 2004 [YUN 2004, p. 392] and, on 15 November, his report covering the first half of 2005.

On 29 December [S/2006/40], Lord Ashdown informed the Council, through the Secretary-General, that the PIC Steering Board had chosen Dr. Christian Schwarz-Schilling (Germany) to succeed him as the High Representative for Bosnia and Herzegovina, effective 31 January 2006.

Mission implementation plan

The High Representative, in his briefing to the Security Council on 23 March [meeting 5147], during consideration of his report covering the latter half of 2004 [YUN 2004, p. 392], stated that Republika Srpska had, for the first time in 10 years, transferred five of the major war crimes indictees to the International Tribunal for the Former Yugoslavia (ICTY) (see p. 1387), including General Vinko Pandurevic, the third most senior indictee. However, that did not constitute the full cooperation required by ICTY and the international community. The process would not end until Radovan Karadzic, Ratko Mladic and all the other main indictees were in custody.

In terms of the country's future within the EU and NATO, cooperation with ICTY was non-negotiable. The country's application to join NATO's Partnership for Peace Programme was due to be reconsidered again in April and the EU had made it clear that it hoped to decide on Bosnia and Herzegovina's readiness to begin negotiations on a stabilization and association process in May.

The European Union Enlargement Commissioner, Olli Rehn, indicated to Bosnia and Herzegovina that, in addition to cooperation with ICTY, the other cardinal issue on which progress

was expected was police restructuring. In January, the Police Restructuring Commission presented its recommendations, which included the establishment of a single State-level police structure, based on operational efficiency, rather than on political control.

Progress in other areas of reform included the opening in March of the new War Crimes Chamber and maximum security prison facilities, the full operationalization of the Taxation Authority in January, and the assumption of defence reform by NATO, with the aim of creating a single State-wide Ministry of Defence. However, the financial sustainability of Bosnia and Herzegovina's government structures was cause for concern, in the face of massive and unsustainable deficits, signalling the need for functional reform to increase governance efficiency.

In his November report [S/2005/706], the High Representative stated that, since the introduction of the first mission implementation plan in 2003 [YUN 2003, p. 401], two core tasks had been completed (ensuring that extreme nationalists, war criminals and their organized criminal networks could not reverse peace implementation; and promoting the sustainable return of refugees and displaced persons), leaving four ongoing (entrenching the rule of law; reforming the economy; institution-building; and defence reform).

To accelerate further progress in the mission implementation plan, the Office of the High Representative instituted a new system whereby a detailed action plan was commissioned for each outstanding item, outlining a critical path to the item's completion, and identification of those responsible for taking action.

In a later report [S/2006/75], the High Representative stated that the action planning process helped to clear the accumulated backlog in the mission implementation plan. Of the outstanding rule of law items, all but one were tied to the police restructuring process, which would likely stretch into early 2008, while those related to economic reform and institution-building included a broad range of reform priorities.

Civil affairs

The High Representative, in his reports covering 1 January to 30 June [S/2005/706] and from 1 July to 31 December [S/2006/75], stated that Bosnia and Herzegovina was the only country in the region without a contractual relationship with the EU. The EU Special Representative had explained to the country's authorities and population the tough conditions they had to meet, including improved cooperation with ICTY, respect for the Constitutional Charter, police restructuring and public broadcast reform, in order to

move ahead on the EU stabilization and association agreement. They also had to put in place laws ensuring the legal and technical framework of the Indirect Taxation Authority, if the value added tax were to be introduced on time in January 2006.

In other areas, the Defence Reform Commission reached final agreement on the abolition of the entity armies and defence ministries and the model for an integrated and democratically controlled army at the State level, enabling Bosnia and Herzegovina to participate in NATO's Partnership for Peace Programme and its full membership in that organization.

Under the reforms adopted by the entity parliaments, entities would cede their remaining defence responsibilities to the State on 1 January 2006. The phased implementation of the reforms was expected to take two years to complete, and a team of experts, assisted by NATO, would coordinate the transition.

Meanwhile, the political situation remained volatile. In response to measures taken by the High Representative, the United States and EUFOR, following NATO's refusal in December 2004 to admit Bosnia and Herzegovina to the Partnership for Peace Programme, the Republika Srpska government and two of the four Serb members of the Council of Ministers resigned in protest. By mid-February, a new government was formed in Banja Luka, with all State-level ministers agreeing to remain in their positions. In April, there was further instability following the indictments of a number of political figures, particularly Dragan Cavic, the Croat member of the State Presidency, and Branko Dokic, the State Transport Minister. On the insistence of the High Representative, Dokic resigned his post but Cavic was removed from office. The Parliamentary Assembly elected the Croat National Union candidate, Ivo Miro Jovic, to replace Cavic, who was subsequently elected president of the main Croat nationalist party.

The political climate was also affected by the long-running failure of the Council of Ministers to agree on the appointment of the head of the State Investigation and Protection Agency. The decision by the High Representative to appoint the best-qualified candidate, a Serb applicant, rather than the Croat, backed by most of the Ministers, led to further resignations.

By the end of the year, the Bosnia and Herzegovina governments had agreed on and enacted reforms in a number of fields, including the rule of law, human rights, taxation, competition, transport, narcotics control, the information society and the media. The major achievement regarding the rule of law was the agreement on po-

lice restructuring, which provided for the legislative and budgetary competences for all police matters to be vested at the State level; no political interference with operational policing; and for the determination of functional local police areas using technical policing criteria in areas where operational command was exercised at the local level. The Directorate for Police Restructuring Implementation was established on 8 December and its steering and executive boards were appointed on 29 December.

Cooperation between the Bosnia and Herzegovina authorities and ICTY was enhanced. Of the 18 fugitives wanted by ICTY at the beginning of 2005, only four remained at large, including the two most wanted indictees, Radovan Karadic and Ratko Mladic.

Progress continued towards the unification of Mostar city's administration. Formerly ethnically divided institutions were unified, civil service appointments made in line with the new civil service law, a unified city budget passed and efforts made to recover uncollected revenues inherited from former city municipalities. The long-stalled plan to move several Federation government ministries from Sarajevo to Mostar also gained momentum. The Mostar Implementation Unit completed its mandate and handed over responsibility for supporting and monitoring the finalization of outstanding unification tasks to the Office of the High Representative.

The Brcko District of Bosnia and Herzegovina celebrated its fifth anniversary in March, with its first popularly elected assembly and government in place. Only a few items stemming from the 1999 Final Arbitral Award of the Brcko Arbitral Tribunal [YUN 1999, p. 324] remained to be completed, the most important of which was the elimination of the residual legal traces of the former Inter-Entity Boundary Line in the District, which signalled that the laws and regulations inherited from the two entities and the three former municipalities had been harmonized. Efforts continued to put relations between the State and the Brcko District on a firm footing. In November, an agreement was signed between Bosnia and Herzegovina's Council of Ministers and the Brcko government to open a Brcko District office within the Council of Ministers, ensuring that the District had appropriate representation at the State level.

Judicial reform

The Office of the High Representative continued to assist in strengthening the capacity of the Bosnia and Herzegovina Court. It oversaw the transfer of almost all the legal staff from its Rule of Law Department to the Court. The High Rep-

representative indicated that, since Bosnia and Herzegovina currently had laws and legal institutions necessary to inculcate and maintain the rule of law, his Office's Rule of Law Department, as well as its Anti-Crime and Corruption Unit closed at the end of 2005. The latter transferred its files to the requisite local authorities.

Emphasis was also placed on strengthening the capacity of local prosecutors at the district and cantonal levels. The Office completed a survey of criminal and civil asset forfeiture laws to support the Ministry of Justice in dealing with the proceeds of crime.

Economic reforms

The High Representative reported that the Bosnia and Herzegovina authorities took significant steps towards increasing intergovernmental coordination on fiscal matters. On 11 February, they launched the Working Group on Fiscal Sustainability to advise on and make policy recommendations for achieving significant savings at all levels of government. Also, on 14 May, the State and entities established the Bosnia and Herzegovina Fiscal Council, one of whose main tasks was to ensure that the country's consolidated budget included funding for its security institutions and its EU aspirations. In June, the Parliamentary Assembly passed the law on railways. Entity legislation enabling the registration of businesses was also passed.

The overall macroeconomic situation remained positive, with growth in gross domestic product reaching 5.7 per cent, which was among the highest in the region. Industrial production rebounded, but agricultural reform lagged as the country still lacked a coherent agricultural policy. In that regard, the Office of the High Representative recommended that a working group responsible for implementing related EU recommendations be established.

Despite some individual successes during the first half of the year, the overall privatization effort remained lackluster, compounded by fractured administrative responsibility for privatization, especially in the Federation.

Public administration reform

All the outstanding European Commission-funded "functional reviews" of the public sector in Bosnia and Herzegovina were completed and their results publicized. The National Public Administration Reform Coordinator was charged with overseeing the follow-up. Public administration reform was also incorporated in the Bosnia and Herzegovina European Partnership programme. A number of amendments to the Civil Service Law aimed at enhancing staff qual-

ity and speeding up the recruitment process, prepared by the Office of the High Representative, in cooperation with the Bosnia and Herzegovina Civil Service Agency, were adopted in June. The Agency, which was working at full capacity since January 2005, reviewed 1,214 civil service posts in 77 Federation bodies.

Media development

On 1 February, the Council of Ministers adopted the draft public broadcasting system law, creating a common system made up of three multi-ethnic services, broadcasting in all three official languages (Bosnian, Croatian, Serbian). The Bosnia and Herzegovina House of Representatives passed the Law on Public Broadcasting Service on 18 May and the State parliament endorsed it on 21 December. To bring their own legislation in line with State law, the Federation and the Republika Srpska governments adopted draft legislation in mid-December, which was forwarded to their respective parliaments for adoption.

On 5 October, the Bosnia and Herzegovina Parliamentary Assembly passed the state framework legislation—the Law on the Radio and Television System of Bosnia and Herzegovina.

Relations with other countries

While relations between Bosnia and Herzegovina and its neighbours remained cordial overall, some key peace implementation issues remained unresolved. The country's borders with both Croatia and Serbia and Montenegro were still undefined by treaty, and access to Croatia's Adriatic port of Ploče remained unsettled. The High Representative asked the PIC Steering Board for permission to remove those issues from the mission implementation plan and that they be dealt with bilaterally with the countries concerned. However, many Bosnia and Herzegovina citizens were also citizens of Croatia or Serbia and Montenegro and the constitutional provisions of those countries on the extradition of their citizens meant that the regional battle against organized crime and the pursuit of war criminals not indicted by ICTY were both impeded.

The issue of the final status of the Kosovo province of Serbia and Montenegro (see p. 467) had already had some effect in the country. In June, Serbia and Montenegro's Foreign Minister stated that independence for Kosovo would inevitably raise questions about the status of Republika Srpska within Bosnia and Herzegovina. That issue and the future of the State union of Serbia and Montenegro would likely dominate regional politics.

Security Council consideration (November).

The Security Council, on 15 November [meeting 5306], considered recent developments in Bosnia and Herzegovina's path to European Union integration. The High Representative, Lord Ashdown, said that the major obstacles to Bosnia and Herzegovina's Euro-Atlantic integration had been overcome. On 8 November, EU foreign ministers welcomed the European Commission's recommendation to commence drawing up a negotiating mandate for the country's Stabilization and Association Agreement, negotiations for which were expected to be approved on 21 November in Brussels, precisely 10 years after the signing of the Peace Agreement.

The EU, backed by the international community, especially the United States, made it clear that the remaining conditions for Bosnia and Herzegovina to begin stabilization talks were non-negotiable. While the aspiration of EU membership had been a powerful draw, it had taken consistent international pressure over the past 10 years to bring the country closer to the EU and NATO. This was clearly evident in cooperation with ICTY. However, while the transfer of 12 indictees in 2005 to ICTY was a huge step forward, another anniversary of the massacre at Srebrenica [YUN 1995, p. 529] had passed without the transfer of Radovan Karadzic and Ratko Mladic. The opening of the Stabilization and Association Agreement negotiations demonstrated that the reform process was moving from the peace implementation phase to that of achieving European standards.

European Union missions in Bosnia and Herzegovina

EUPM

Report of EU Secretary-General. As invited by the Security Council in presidential statement S/PRST/2002/33 [YUN 2002, p. 363], EU Secretary-General and High Representative for the Common Foreign and Security Policy reported, through the UN Secretary-General, on the activities of the EU Police Mission (EUPM) covering the period 1 January to 31 December [S/2006/125].

The report stated that in 2005, considerable progress was made in setting up the State Investigation and Protection Agency. EUPM monitored and advised on the selection and recruitment process and assisted the Agency in developing its human resources strategy. The structure of the State Border Service (SBS) was brought in line with the other State-level agencies, with clearer procedures and powers given to police officers on the border. EUPM also helped SBS in manage-

ment training and worked to solve the issue of the failure by the Council of Ministers to appoint a Director of the Service, as that affected implementation of EUPM projects. Following the intervention of the High Representative, Vinko Dumancic was appointed Director. In September, the European Commission and Bosnia and Herzegovina signed a memorandum of understanding on the funding of the new SBS headquarters near Sarajevo airport.

The Police Restructuring Commission presented its report to the High Representative/EU Special Representative in January, with recommendations on the establishment of a single police structure. In October, the Republika Srpska National Assembly adopted the Agreement on Police Restructuring, thus removing one of the last obstacles for Bosnia and Herzegovina to start negotiations with the EU on the Stabilization and Association Agreement. EUPM and the Office of the High Representative/EU Special Representative also developed a framework for the establishment of the Directorate for Implementation of Police Restructuring.

In July, the Ministry of Security presented to the Council of Ministers a strategic agreement with Europol (European Police Office) to facilitate cooperation between EU members and Bosnia and Herzegovina in preventing and combating international crime. EUPM supported efforts to make the nationwide intelligence system more effective, by ensuring that it operated across all entities and police agencies in Bosnia and Herzegovina.

To help achieve financial viability and sustainability of the local police, EUPM also made progress in developing local capacity regarding salary scales, budget planning for organizational units, revising maintenance costs of premises, rationalization of the use of police equipment, control over inventories and payrolls, and general budget implementation and management.

As at 31 December, the Mission numbered 801 personnel, of whom 410 were seconded police officers, 61 international civilians and 330 national staff. The European Council agreed on 24 November to continue EUPM for another two years from 1 January 2006 to 31 December 2007, with a refocus on the coordination of policing efforts under the European security and defence policy in the fight against organized crime, in addition to helping establish in Bosnia and Herzegovina a sustainable, professional and multi-ethnic police service. All 25 EU member States, together with nine non-EU contributing States, participated in the Mission in 2005. Brigadier General Vincenzo Coppola (Italy) was appointed Head of Mission/Police Commissioner from January 2006 to suc-

ceed Commissioner Kevin Carty (Ireland), whose tour of duty ended on 31 December 2005.

Police certification

The European Commission for Democracy through Law (the “Venice Commission”), in a 25 October opinion on a possible solution to the issue of decertification of police officers in Bosnia and Herzegovina, concluded that the International Police Task Force (IPTF) responsible for the police certification process instituted in 2001 [YUN 2001, p. 332], while implementing the vetting procedure of local police officers, failed to provide the relevant police officers with a public, adversarial, impartial and independent examination of their rights. The review mechanism also appeared to be abortive for the most part. The Venice Commission, therefore, recommended that the United Nations review the decisions that denied certification, and those that had been challenged before domestic authorities after the end of 2002, when IPTF’s mission ended.

EUFOR

The EU Force (EUFOR) mission in Bosnia and Herzegovina executed the military aspects of the Peace Agreement as specified in annexes 1-A and 2, which were transferred to it by NATO in December 2004 [YUN 2004, p. 401]. Its activities were recorded in four reports covering the periods 2 December 2004 to 28 February 2005 [S/2005/226], 1 March to 31 May [S/2005/440], 1 June to 15 September [S/2005/698], and 16 September to 30 November [S/2006/12], submitted by the EU Secretary-General and High Representative for the Common Foreign and Security Policy of the European Union, in accordance with resolution 1575(2004) [YUN 2004, p. 401].

As at 30 November, EUFOR’s strength stood at 6,200 troops from 22 EU member States and 11 third countries, deployed in three multinational task forces throughout the country.

EUFOR continued to conduct multiple operations, including patrolling in sensitive and remote areas, local liaison and observation team activities, collection of illegal weapons and promoting cooperation with the local authorities to ensure compliance with the Peace Agreement. Routine liaison activities were conducted to assist and support capacity-building in the local police and other agencies. The EUFOR Integrated Police Unit assisted the State Border Service in preventing illegal activities along the borders and the unauthorized entry of people and goods into the country. EUFOR also carried out large-scale operations to assist Bosnia and Herzegovina authorities in cracking down on organized crime net-

works, including the smuggling of heroin, and human trafficking. Throughout the year, it conducted, in conjunction with appropriate authorities, operations to collect voluntarily surrendered illegal arms and ammunition under amnesty conditions, and when necessary, in more invasive operations. It also helped to maintain a safe and secure environment, especially during the observance of the tenth anniversary of the Srebrenica massacre, developed cooperation with local authorities and conducted well-coordinated operations on the ground.

SECURITY COUNCIL ACTION

On 21 November [meeting 5307], the Security Council unanimously adopted **resolution 1639 (2005)**. The draft [S/2005/727] was prepared in consultations among Council members.

The Security Council,

Recalling all its previous relevant resolutions concerning the conflicts in the former Yugoslavia and the relevant statements by its President, including resolutions 1031(1995) of 15 December 1995, 1088(1996) of 12 December 1996, 1423(2002) of 12 July 2002, 1491(2003) of 11 July 2003, 1551(2004) of 9 July 2004 and 1575(2004) of 22 November 2004,

Reaffirming its commitment to the political settlement of the conflicts in the former Yugoslavia, preserving the sovereignty and territorial integrity of all States there within their internationally recognized borders,

Emphasizing its full support for the continued role in Bosnia and Herzegovina of the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina,

Underlining its commitment to support the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the “Peace Agreement”), as well as the relevant decisions of the Peace Implementation Council,

Recalling all the agreements concerning the status of forces referred to in appendix B to annex 1-A of the Peace Agreement, and reminding the parties of their obligation to continue to comply therewith,

Recalling also the provisions of its resolution 1551(2004) concerning the provisional application of the status-of-forces agreements contained in appendix B to annex 1-A of the Peace Agreement,

Emphasizing its appreciation to the High Representative, the Commander and personnel of the multinational stabilization force (the European Union Force), the Senior Military Representative and personnel of the North Atlantic Treaty Organization Headquarters Sarajevo, the Organization for Security and Cooperation in Europe, the European Union and the personnel of other international organizations and agencies in Bosnia and Herzegovina for their contributions to the implementation of the Peace Agreement,

Emphasizing that a comprehensive and coordinated return of refugees and displaced persons throughout the region continues to be crucial to lasting peace,

Recalling the declarations of the ministerial meetings of the Peace Implementation Council,

Recognizing that full implementation of the Peace Agreement is not yet complete, while paying tribute to the achievements of the authorities at State and entity level in Bosnia and Herzegovina and of the international community in the ten years since the signing of the Peace Agreement,

Emphasizing the importance of Bosnia and Herzegovina's progress towards Euro-Atlantic integration on the basis of the Peace Agreement, while recognizing the importance of Bosnia and Herzegovina's transition to a functional, reform-oriented, modern and democratic European country,

Taking note of the reports of the High Representative, including his latest report of 2 November 2005,

Determined to promote the peaceful resolution of the conflicts in accordance with the purposes and principles of the Charter of the United Nations,

Recalling the relevant principles contained in the Convention on the Safety of United Nations and Associated Personnel of 9 December 1994 and the statement by its President of 9 February 2000,

Welcoming and encouraging efforts by the United Nations to sensitize peacekeeping personnel in the prevention and control of HIV/AIDS and other communicable diseases in all its peacekeeping operations,

Taking note of the conclusions of the Ministers for Foreign Affairs of the European Union at their meeting held in Luxembourg on 13 June 2005 which refer to the requirement for the European Union Force to remain in Bosnia and Herzegovina beyond 2005, and confirm the intention of the European Union to take the steps necessary to that end,

Recalling the letters between the European Union and the North Atlantic Treaty Organization sent to the Security Council on 19 November 2004, on how those organizations will cooperate together in Bosnia and Herzegovina in which both organizations recognize that the European Union Force will have the main peace stabilization role under the military aspects of the Peace Agreement,

Recalling also the confirmation by the Presidency of Bosnia and Herzegovina, on behalf of Bosnia and Herzegovina, including its constituent entities, of the arrangements for the European Union Force and the North Atlantic Treaty Organization Headquarters presence,

Welcoming the increased engagement of the European Union in Bosnia and Herzegovina and the continued engagement of the North Atlantic Treaty Organization,

Further welcoming tangible signs of Bosnia and Herzegovina's progress towards the European Union, and, in particular, the decision by the European Union to open negotiations with Bosnia and Herzegovina on a Stabilization and Association Agreement, and calling upon the authorities in Bosnia and Herzegovina to implement in full their undertakings, including on police reform, as part of that process,

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

Acting under Chapter VII of the Charter,

1. *Reaffirms once again its support* for the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement"), as well as for the Dayton Agreement on

Implementing the Federation of Bosnia and Herzegovina of 10 November 1995, and calls upon the parties to comply strictly with their obligations under those Agreements;

2. *Reiterates* that the primary responsibility for the further successful implementation of the Peace Agreement lies with the authorities in Bosnia and Herzegovina themselves and that the continued willingness of the international community and major donors to assume the political, military and economic burden of implementation and reconstruction efforts will be determined by the compliance and active participation by all the authorities in Bosnia and Herzegovina in implementing the Peace Agreement and rebuilding a civil society, in particular in full cooperation with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, in strengthening joint institutions, which foster the building of a fully functioning self-sustaining State able to integrate itself into the European structures, and in facilitating returns of refugees and displaced persons;

3. *Reminds* the parties once again that, in accordance with the Peace Agreement, they have committed themselves to cooperate fully with all entities involved in the implementation of this peace settlement, as described in the Peace Agreement, or which are otherwise authorized by the Security Council, including the International Tribunal for the Former Yugoslavia, as it carries out its responsibilities for dispensing justice impartially, and underlines the fact that full cooperation by States and entities with the Tribunal includes, inter alia, the surrender for trial or apprehension of all persons indicted by the Tribunal and the provision of information to assist in Tribunal investigations;

4. *Emphasizes its full support* for the continued role of the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina in monitoring the implementation of the Peace Agreement and giving guidance to and coordinating the activities of the civilian organizations and agencies involved in assisting the parties to implement the Peace Agreement, and reaffirms that, under annex 10 of the Peace Agreement, the High Representative is the final authority in theatre regarding the interpretation of civilian implementation of the Peace Agreement and that, in case of dispute, he may give his interpretation and make recommendations, and make binding decisions as he judges necessary on issues as elaborated by the Peace Implementation Council in Bonn, Germany, on 9 and 10 December 1997;

5. *Expresses its support* for the declarations of the ministerial meetings of the Peace Implementation Council;

6. *Reaffirms* its intention to keep implementation of the Peace Agreement and the situation in Bosnia and Herzegovina under close review, taking into account the reports submitted pursuant to paragraphs 18 and 21 below, and any recommendations that those reports might include, and its readiness to consider the imposition of measures if any party fails significantly to meet its obligations under the Peace Agreement;

7. *Recalls* the support of the authorities of Bosnia and Herzegovina for the European Union Force and the continued North Atlantic Treaty Organization

presence and their confirmation that both are the legal successors to the Stabilization Force for the fulfilment of their missions for the purposes of the Peace Agreement, its annexes and appendices and relevant Security Council resolutions and can take such actions as are required, including the use of force, to ensure compliance with annexes 1-A and 2 of the Peace Agreement and relevant Council resolutions;

8. *Pays tribute* to those Member States which participated in the multinational stabilization force (the European Union Force) and in the continued North Atlantic Treaty Organization presence, established in accordance with its resolution 1575(2004), and welcomes their willingness to assist the Parties to the Peace Agreement by continuing to deploy a multinational stabilization force (the European Union Force) and by maintaining a continued North Atlantic Treaty Organization presence;

9. *Welcomes* the intention of the European Union to maintain European Union military operation to Bosnia and Herzegovina from November 2005;

10. *Authorizes* the Member States acting through or in cooperation with the European Union to establish for a further period of twelve months, starting from the date of adoption of the present resolution, a multinational stabilization force (the European Union Force) as a legal successor to the Stabilization Force under unified command and control, which will fulfil its missions in relation to the implementation of annexes 1-A and 2 of the Peace Agreement in cooperation with the North Atlantic Treaty Organization Headquarters presence in accordance with the arrangements agreed between the North Atlantic Treaty Organization and the European Union as communicated to the Security Council in their letters of 19 November 2004, which recognize that the European Union Force will have the main peace stabilization role under the military aspects of the Peace Agreement;

11. *Welcomes* the decision of the North Atlantic Treaty Organization to continue to maintain a presence in Bosnia and Herzegovina in the form of a North Atlantic Treaty Organization Headquarters in order to continue to assist in implementing the Peace Agreement in conjunction with the European Union Force, and authorizes the Member States acting through or in cooperation with the North Atlantic Treaty Organization to continue to maintain a North Atlantic Treaty Organization Headquarters as a legal successor to the Stabilization Force under unified command and control, which will fulfil its missions in relation to the implementation of annexes 1-A and 2 of the Peace Agreement in cooperation with the European Union Force in accordance with the arrangements agreed between the North Atlantic Treaty Organization and the European Union as communicated to the Security Council in their letters of 19 November 2004, which recognize that the European Union Force will have the main peace stabilization role under the military aspects of the Peace Agreement;

12. *Reaffirms* that the Peace Agreement and the provisions of its previous relevant resolutions shall apply to and in respect of both the European Union Force and the North Atlantic Treaty Organization presence as they have applied to and in respect of the Stabilization Force and that, therefore, references in the Peace Agreement, in particular in annex 1-A and the appen-

dices thereto, and in relevant resolutions to the Implementation Force and/or the Stabilization Force, the North Atlantic Treaty Organization and the North Atlantic Council shall be read as applying, as appropriate, to the North Atlantic Treaty Organization presence, the European Union Force, the European Union and the Political and Security Committee and Council of the European Union, respectively;

13. *Expresses its intention* to consider the terms of further authorization as necessary in the light of developments in the implementation of the Peace Agreement and the situation in Bosnia and Herzegovina;

14. *Authorizes* the Member States acting under paragraphs 10 and 11 above to take all necessary measures to effect the implementation of and to ensure compliance with annexes 1-A and 2 of the Peace Agreement, stresses that the parties shall continue to be held equally responsible for compliance with those annexes and shall be equally subject to such enforcement action by the European Union Force and the North Atlantic Treaty Organization presence as may be necessary to ensure implementation of those annexes and the protection of the European Union Force and the North Atlantic Treaty Organization presence;

15. *Authorizes* Member States to take all necessary measures, at the request of either the European Union Force or the North Atlantic Treaty Organization Headquarters, in defence of the European Union Force or the North Atlantic Treaty Organization presence, respectively, and to assist both organizations in carrying out their missions, and recognizes the right of both the European Union Force and the North Atlantic Treaty Organization presence to take all necessary measures to defend themselves from attack or threat of attack;

16. *Authorizes* the Member States acting under paragraphs 10 and 11 above, in accordance with annex 1-A of the Peace Agreement, to take all necessary measures to ensure compliance with the rules and procedures governing command and control of airspace over Bosnia and Herzegovina with respect to all civilian and military air traffic;

17. *Demands* that the parties respect the security and freedom of movement of the European Union Force, the North Atlantic Treaty Organization presence, and other international personnel;

18. *Requests* the Member States acting through or in cooperation with the European Union and the Member States acting through or in cooperation with the North Atlantic Treaty Organization to report to the Security Council on the activity of the European Union Force and the North Atlantic Treaty Organization Headquarters presence, respectively, through the appropriate channels and at least at three-monthly intervals;

19. *Invites* all States, in particular those in the region, to continue to provide appropriate support and facilities, including transit facilities, for the Member States acting under paragraphs 10 and 11 above;

20. *Reiterates its appreciation* for the deployment by the European Union of its Police Mission to Bosnia and Herzegovina since 1 January 2003;

21. *Requests* the Secretary-General to continue to submit to the Security Council reports from the High Representative, in accordance with annex 10 of the Peace Agreement and the conclusions of the Peace Implementation Conference held in London on 4 and 5

December 1996, and later Peace Implementation Conferences, on the implementation of the Peace Agreement and in particular on compliance by the parties with their commitments under that Agreement;

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

Serbia and Montenegro

In 2005, the United Nations continued to assist the authorities and people of the Kosovo province of Serbia and Montenegro in building a multi-ethnic society. The United Nations Interim Administration Mission in Kosovo (UNMIK) led efforts, along with the Kosovo authorities, in strengthening the Provisional Institutions of Self-Government, mainly the Kosovo Assembly and the Kosovo Government, and in transferring authority to those institutions, in accordance with the 2001 Constitutional Framework for Provisional Self-Government [YUN 2001, p. 352]. It also monitored progress towards the fulfilment of the eight standards set out in the 2003 “standards for Kosovo” document [YUN 2003, p. 420], under which Kosovo was expected to develop stable democratic institutions under UNMIK administration before any decision could be made on its future status. The standards also included promoting human rights, establishing the rule of law, protecting minority rights, dialogue with Belgrade and the Kosovo Protection Corps (KPC).

For most of 2005, progress in strengthening Kosovo’s fledgling institutions was inconsistent. Significant steps were taken to improve the security situation; however, implementation in the areas of the rule of law, protection of minority rights and return of internally displaced persons was slow. In March, the International Criminal Tribunal for the Former Yugoslavia (ICTY) issued an indictment for the Prime Minister of Kosovo, Ramush Haradinaj, who resigned his post and voluntarily agreed to go to the Hague. He was succeeded by Bajram Kosumi.

Meanwhile, in September, UNMIK started working on six priority areas: continued implementation of the standards, a comprehensive reform of local government, improving security, building local capacity, maintaining a safe and secure environment and restructuring of the mission. It initiated informal, technical-level talks with the European Union (EU) and the Organization for Security and Cooperation in Europe (OSCE) on contingency planning for their possible involvement in Kosovo following the determination of the province’s future status. By the end of 2005, the Mission commenced the transfer of

some of its police and justice responsibilities to the new ministries of interior and justice.

Situation in Kosovo

The United Nations continued to work towards the full implementation of Security Council resolution 1244(1999) [YUN 1999, p. 353], which set out the modalities for a political solution to the crisis in the Serbia and Montenegro province of Kosovo, and of resolutions 1160(1998) [YUN 1998, p. 369], 1199(1998) [ibid., p. 377], 1203(1998) [ibid., p. 382] and 1239 (1999) [YUN 1999, p. 349]. The civilian aspects of resolution 1244(1999) were being implemented by UNMIK and the military aspects by the international security presence (KFOR), led by NATO.

Report of Secretary-General (February). The Secretary-General, in his February report on UNMIK activities [S/2005/88], said that there had been encouraging and tangible progress in the commitment of the Provisional Institutions of Self-Government to the implementation of the “standards-before-status” policy. However, none of the eight standards had been completely fulfilled. The continued unwillingness of the Kosovo Serbs to engage in dialogue and support the implementation of the standards hampered the ability to move forward, although the participation of their leader in the decentralization working group on 24 January was encouraging. Meanwhile, the transition from the October 2004 elections [YUN 2004, p. 416] to the installation of the new coalition Government, headed by the Prime Minister of Kosovo, Ramush Haradinaj, showed growing political maturity. Agreement was reached on the distribution of chairmanships of the 10 new Assembly committees and the major opposition parties had committed themselves to playing an important role. Kosovo’s President, Ibrahim Rugova, confirmed his respect for the Constitutional Framework by resigning as president of his party, the Democratic League of Kosovo (LDK).

The security situation remained stable, with no serious inter-ethnic crime, especially against Kosovo Serbs, since June 2004. Although the security of minorities had improved since the violence of March 2004 [YUN 2004, p. 405], freedom of movement remained precarious and Kosovo Serbs, in particular, continued to consider themselves at risk. Their fears were fed by isolated incidents that were not always condemned or addressed by the local political leadership. The Government did not take sufficient action to punish ethnically targeted crimes, or put in place a system to monitor and censure violations of the language laws, or promote a culture of human

rights and tolerance. The Provisional Institutions had yet to demonstrate their willingness to assume responsibility for the security of Kosovo Serbs and other communities. The reconstruction programme had not been completed, and many of the newly constructed houses remained unoccupied. Some municipalities delayed the drafting of return strategies, the appointment of return officers and other support measures, and none of them had finalized a development plan.

At the same time, most authorities in Belgrade were not supportive of Kosovo Serb participation in the Provisional Institutions, or in processes to address their special needs. The working group on direct dialogue between Pristina and Belgrade had not met since March 2004, mainly because of obstacles raised by Belgrade.

Some progress was achieved regarding the economy. The Government, with UNMIK, finalized the draft 2005 budget within tight macro-economic constraints and established an independent tax and customs review board, a credit information centre and an insurance communication platform. The privatization process also continued. Given the increased capability of the Provisional Institutions in the economic area, the Special Representative announced further transfers of economic Competences.

The Secretary-General observed that, while noteworthy steps were taken in some areas, overall progress on the implementation of the standards remained uneven. Further sustained effort was required in areas of importance to minority communities, notwithstanding the lack of engagement by Kosovo Serbs in the Provisional Institutions. The Secretary-General called upon all parties to immediately follow through on their commitment to recommence participation in the direct dialogue working group on missing persons.

Security Council consideration (February). The Special Representative, in his briefing to the Security Council on 24 February [meeting 5130], reported that, while the security situation continued to improve, it remained fragile. He therefore welcomed NATO's decision to maintain KFOR's operational capabilities during the year. The new Government was proceeding with the devolution of authority to the local level, and agreed on five pilot municipalities, two of which were of particular interest to Kosovo Serbs. The next step would be to define the exact nature of additional municipal competences. At the central level, the transfer of competences from UNMIK to the Provisional Institutions accelerated. Three new ministries were established (Communities and Returns, Local Government Administration, Energy and Mining) and were becoming opera-

tional. To ensure that transferred competences could be exercised effectively, UNMIK encouraged donors to coordinate and better target their efforts to help build capacity across all areas. Economic stagnation remained a serious concern, with widespread unemployment and the absence of a social safety net. After 12 months of boycott by Belgrade, direct dialogue between Pristina and Belgrade was about to resume. The working group on missing persons was scheduled to meet on 10 March. It was hoped that recent positive signals from Belgrade would result in an intensification of direct dialogue.

The Special Representative informed that, following his next technical assessment of the implementation of standards, a comprehensive review of those standards was planned for mid-2005 (see below). Should that review conclude that sufficient progress had been made, the international community should be prepared to embark on the process leading to status talks. There was broad agreement on a clear way forward and a clear timetable that could lead to negotiations on final status in the second half of 2005.

Communications. The EU Presidency, in a 10 March statement [S/2005/200], noted the indictment by ICTY (see p. 1388) of Kosovo's Prime Minister, Ramush Haradinaj, and welcomed his decision to resign his post and go voluntarily to The Hague. It called on Kosovo's political forces to form as quickly as possible a new government determined to continue implementation of the standards set by the United Nations. In a further statement of 16 March [S/2005/201], the EU welcomed the increasing number of voluntary surrenders and transfer of indictees from Serbia and Montenegro, including Kosovo, and from Bosnia and Herzegovina to ICTY, a trend that should lead to all indictees being brought before the Tribunal. It repeated that the Governments of the region bore the key responsibility in that process and their cooperation with ICTY was essential for further progress towards closer EU relations.

Serbia and Montenegro, on 18 May [S/2005/329], drew attention to the fact that, on 26 April, without consultation, UNMIK and Germany, despite the bilateral Readmission Agreement between Germany and Serbia and Montenegro, which provided that the displaced non-Albanian population would not be forcibly repatriated to Kosovo and Metohija before security and safety standards were met, signed a bilateral agreement stipulating conditions for the deportation of Askalias, Egyptians and Roma from Germany to Kosovo and Metohija. Serbia and Montenegro, while welcoming all opportunities for the return of displaced persons, was concerned over attempts to force displaced non-Albanians, mostly

Roma, to return to Kosovo and Metohija without their consent. Serbia and Montenegro urged UNMIK to begin carrying out its international obligations and thus enable all citizens of Kosovo and Metohija to enjoy international legal protection.

Report of Secretary-General (May). The Secretary-General, in his May report [S/2005/335], said that the smooth transition to a new Government led by Prime Minister Bajram Kosumi, following Mr. Haradinaj's resignation, was accompanied by a renewed commitment to carry out the standards implementation programme of the previous Government. The reconfigured coalition of LDK and the Alliance for the Future of Kosovo (AAK) also emphasized and focused on those standards relating to sustainable multi-ethnicity. However, tensions between the governing and opposition parties intensified, as the latter sharpened their criticism of the Kosovo Assembly, alleging repeated violations of Assembly rules to stifle open debate, and walking out of Assembly proceedings on a number of occasions. The Special Representative urged them to work towards Kosovo-wide consensus on issues vital to the territory's future. Kosovo Serb participation in the political process remained low, with the only top central-level government position held by a Kosovo Serb being that of Minister of Returns and Communities. However, minority employment was rising in central Provisional Institutions amidst expanded recruitment activity.

Significant progress was made on the issue of cultural heritage, with the signing by representatives of the Serbian Orthodox Church and the Provisional Institutions of a new memorandum of understanding on the reconstruction of Serbian Orthodox religious sites damaged during the March 2004 riots [YUN 2004, p. 405]. Efforts by the international community in the area of restoration and reconstruction of cultural heritage in Kosovo, including through a donor conference (Paris, France, 13 May), were advanced. Local government reform was further delayed, as the major opposition parties continued to oppose the government-approved work programme for that purpose. Improvements in freedom of movement and a diminishing reliance of Kosovo minorities on escorts when travelling across majority areas were encouraging. KFOR continued to dismantle units providing static protection of designated sites.

The Secretary-General welcomed the offer by Serbian President, Boris Tadic, to meet with Kosovo's President Ibrahim Rugova, and the expressed intention of their respective Prime Ministers to also meet. He was encouraged by the resumption of direct dialogue on practical matters

between Pristina and Belgrade. He believed that a comprehensive review of the situation in Kosovo should be initiated and, in that regard, he intended to appoint a Special Envoy to conduct that review.

Security Council consideration. In his briefing to the Council on 27 May [meeting 5188], the Special Representative reported that, in order to manage tension between political parties, and in view of the critical period ahead for Kosovo and the significant political issues to be discussed, party leaders had agreed to his proposal to come together in a forum to enhance constructive dialogue and ensure the maximum possible consensus on critical issues. While regretting that, after 15 months, there was no clear signal from Belgrade to the Kosovo Serbs to participate in the Provisional Institutions, he believed that progress in Kosovo would continue even without meaningful participation by the Kosovo Serbs, but progress in establishing a fully multi-ethnic Kosovo and integrating all communities would be limited.

Comprehensive review of policies and practices

Following the announcement in his May report on UNMIK (see above) to appoint a Special Envoy to initiate a comprehensive review of the situation in Kosovo, in keeping with Security Council resolution 1244(1999) [YUN 1999, p. 353] and relevant presidential statements, the Secretary-General informed the Council President on 27 May [S/2005/364] of the appointment of Ambassador Kai Eide (Norway) to undertake that assessment. The review would assess the current situation and conditions for the next steps in the political process, looking at actual political realities and the formal preconditions for launching the future status process. The Council noted the Secretary-General's intention on 2 June [S/2005/365].

In his report [S/2005/635], transmitted to the Council by the Secretary-General in October, Ambassador Eide said that, following a period of political stagnation and frustration, Kosovo had entered a new dynamic phase of development. Standards implementation, although uneven, had made progress in developing new institutional frameworks. The institutional vacuum that existed after the end of the conflict in 1999 [YUN 1999, p. 342] was replaced by a comprehensive set of institutions. Much progress was also made in the development of a sustainable legal framework. Meanwhile, Kosovo Serbs remained outside the central political institutions, maintaining parallel structures for health and educational services out of fear that they would become a decoration to any central-level political institution. The

Kosovo Albanians had done little to dispel that fear.

The current economic situation remained bleak. Unemployment was high and poverty widespread, compounded by the lack of public income and an antiquated energy sector. The privatization process, while it could have a positive impact on Kosovo's economy—as many of the socially owned enterprises had been idle—could lead to discrimination in employment along ethnic lines.

The rule of law was hampered by a lack of ability and readiness to enforce legislation at all levels. Although the Kosovo Police Service (KPS) was gradually taking on new and more demanding tasks, crimes of a more serious nature or with ethnic dimensions remained difficult for it to address. The Kosovo justice system was the weakest of the institutions, with an increasing backlog of thousands of civil cases. While organized crime and corruption were the biggest threats to the stability and sustainability of institutions, the Government had not taken the administrative and legislative action to fight them. The Special Envoy noted that, given the weakness of the police and judiciary, further transfer of competences in those areas should be considered with great caution, and the continued presence of international police with executive powers in sensitive areas was still needed. The current reduction in the number of international judges and prosecutors was premature and should be urgently reconsidered.

The overall security situation was stable, yet fragile. Low-level inter-ethnic violence and incidents were frequently unreported. The situation with regard to founding a multi-ethnic society was grim. Property rights were neither respected nor ensured, and a great number of agricultural and commercial properties remained illegally occupied, representing an obstacle to the return process and sustainable livelihoods. Meanwhile, the overall return process had virtually come to a halt, as the general atmosphere in many areas was not conducive to return. The process was further hampered by the fact that assistance was only provided to those returning to their home of origin. The continued existence of displaced persons camps inside Kosovo remained a sore point for the governing structures and for the international community, especially the plight of Roma camps in Plementina and Zitkovac.

The Special Envoy concluded that the time had come to commence the process of addressing Kosovo's future status, as postponing it was unlikely to lead to further tangible results in standards implementation. There was a shared expectation in Kosovo and Belgrade that the future

status process would commence soon. However, all sides needed clarity with regard to Kosovo's future status: the Kosovo Albanians needed greater clarity on the framework of Kosovo's political and economic development, while the Kosovo Serbs needed clarity to make informed decisions about their future lives. For Belgrade, determining Kosovo's future status would remove an important source of internal political instability and facilitate the realization of Serbia's European perspective. The process needed to take place while the international community was still present in sufficient strength in Kosovo and could work to bring minority communities into the process. In that regard, Kosovo Serbs would have to be party to the process and mechanisms found to include the smaller communities, as well as neighbouring States, to ensure regional stability. The demarcation of the border with The former Yugoslav Republic of Macedonia would be of particular significance and should be resolved before the process ended.

Kosovo's future status process had to move forward with caution, with all parties brought together and kept together throughout the process, and with a clear and common agenda. The end result should be stable and sustainable, with no artificial deadlines. Direct talks between Belgrade and Pristina on decentralization and cultural and religious matters would be essential elements of any future status process and would serve as a confidence-building measure.

The international community, in particular the EU, would have to play a prominent role in Kosovo, along with the continued presence of NATO and the involvement of the Organization for Security and Cooperation in Europe (OSCE). With the United Nations eventually stepping down from its current role, a High Representative or a similar arrangement would have to be considered, firmly anchored in the EU. A road map for integration into international structures would provide Kosovo with real prospects for the future, while Belgrade would need incentives for integration into Euro-Atlantic cooperation frameworks.

The Secretary-General, in his letter transmitting the Special Envoy's report, said that he accepted its conclusion and intended to appoint a Special Envoy to lead the future status process.

Security Council consideration. The Council met on 24 October [meeting 5289] to consider the report on the comprehensive review. In introducing the results of his work, the Special Envoy said that he supported the commencement of the status process because it was important to keep the political process from stagnating. Furthermore, all would benefit from clarity on the status issue

and the commencement of the process would give enhanced leverage to the further implementation of standards.

The Special Representative and Head of UNMIK, in his briefing to the Council, said that the start of the status process would be a galvanizing moment in Kosovo. The resolution of Kosovo's status could have only a positive effect on the wider region in terms of political stability and economic growth. In any case, continuing the status quo was not a viable option. However, there was much work to be done outside the status talks as they proceeded.

With that in mind, UNMIK had identified six priority areas for its work in the coming months: continuing with the implementation of standards, especially in the key areas of movement, returns and the economy; supporting the Provisional Institutions in pursuing comprehensive local government reform; pursuing a comprehensive security agenda, including the transfer of competences from UNMIK to the new Provisional Ministries of Public Order and Justice by the end of 2005; strengthening capacity-building to ensure that, regardless of the outcome of status talks, Kosovo's institutions would be fully capable of taking on their future responsibilities; continuing UNMIK's restructuring, with a view to having an optimal set-up throughout the status process, while cooperating with international partners to develop a phased and well-managed transition to eventual future arrangements; and ensuring the maintenance of a safe and secure environment for everyone in Kosovo.

Serbia and Montenegro's Prime Minister, Vojislav Kostunica, emphasized to the Council his country's preparedness to assume its share of responsibility in resolving the issue of Kosovo and Metohija. It was committed to a compromise solution and was willing to ensure substantial autonomy for the province as part of the State of Serbia and Montenegro. The future status process would have the best likelihood of success if it took the form of direct talks between the two sides, mediated by the Special Envoy.

SECURITY COUNCIL ACTION (October)

On 24 October [meeting 5290], following consultations among Security Council members, the President made statement **S/PRST/2005/51** on behalf of the Council:

The Security Council welcomes the report of the Secretary-General's standards review envoy, Mr. Kai Eide, on the comprehensive review of the implementation of standards, as well as of the overall situation in and relating to Kosovo, Serbia and Montenegro, forwarded by the Secretary-General on 7 October

2005. The Council pays tribute to Mr. Eide's work in compiling his important report.

The Council recalls the report of the Secretary-General of 23 May 2005 in which he initiated the comprehensive review conducted by Mr. Eide. In the light of the findings in Mr Eide's report, the Council stresses that further, more sustained progress is required, and that the implementation of standards in Kosovo must continue with undiminished energy and a stronger sense of commitment, as underlined by the Secretary-General in his letter. It urges Kosovo's leaders to increase their efforts to ensure the implementation of standards at all levels, allowing tangible results to be delivered to all Kosovo's citizens. Particular and time-conscious attention should be given to protecting minorities, developing further the process of decentralization, creating the necessary conditions to allow sustainable returns, preservation of cultural and religious heritage in Kosovo, and promoting reconciliation. The Council also urges the authorities in Belgrade to do their utmost to facilitate this process, and to engage constructively. The Council reaffirms its full support for the Special Representative of the Secretary-General for Kosovo, Mr. Soren Jessen-Petersen, and the United Nations Interim Administration in Kosovo in their continuing work to support the implementation of standards, which must continue during the future status process and will be an important factor in determining the degree of progress.

The Council agrees with Mr. Eide's overall assessment that, notwithstanding the challenges still facing Kosovo and the wider region, the time has come to move to the next phase of the political process. The Council therefore supports the intention of the Secretary-General to start a political process to determine the future status of Kosovo, as foreseen in Council resolution 1244(1999). The Council reaffirms the framework of the resolution, and welcomes the Secretary-General's readiness to appoint a special envoy to lead the future status process. It looks forward to an early appointment. The Council offers its full support to this political process, which would determine the future status of Kosovo, and further reaffirms its commitment to the objective of a multi-ethnic and democratic Kosovo, which must reinforce regional stability.

The Council welcomes the intention of the Contact Group (France, Germany, Italy, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America) to remain closely engaged in the political process that will be led by the United Nations, and to support the Secretary-General's future status envoy. The Council calls upon interested regional and international organizations to cooperate closely in the process to determine the future status of Kosovo. The Council also supports the meaningful involvement and cooperation of countries in the region.

The Council requests that the Secretary-General provide regular updates on progress in determining the future status of Kosovo, as defined by Council resolution 1244(1999), and will remain actively seized of the matter.

Future status process

Appointment of Special Envoy. On 31 October [S/2005/708], the Secretary-General informed the Security Council of his intention to appoint Mr. Martti Ahtisaari (Finland) as his Special Envoy to lead the future status process for Kosovo, and Mr. Albert Rohan (Austria) as his deputy, which the Council welcomed on 10 November [S/2005/709].

Guiding principles. By the same letter of 10 November [S/2005/709], the Council also transmitted the guiding principles for the future status process for Kosovo, agreed to by the Contact Group (France, Germany, Italy, Russian Federation, United Kingdom, United States). The Contact Group called on the parties to engage in good faith, refrain from unilateral steps and reject any form of violence. They should establish unified negotiating teams and agree on common positions. The process should provide for the effective participation of the Kosovo Serbs and other Kosovo citizens and communities. The implementation of the standards should continue during the status process and would be a factor in determining progress. The final decision on the status of Kosovo should be endorsed by the Security Council.

The status process should be based on the following principles: the settlement of the Kosovo issue should be fully compatible with international standards of human rights, democracy and international law and contribute to regional security; conform to democratic values and European standards and contribute to realizing Kosovo's European perspective, in particular, its progress in the stabilization and association process, as well as the integration of the entire region into Euro-Atlantic institutions; ensure sustainable multi-ethnicity in Kosovo, including constitutional guarantees and mechanisms to ensure the implementation of human rights for all citizens; ensure the participation of all communities in government, at both the central and local levels; and include safeguards for the protection of cultural and religious heritage, including provisions specifying the status of Serbian Orthodox Church institutions and sites and other patrimony in Kosovo.

The settlement of Kosovo's status should also strengthen regional security and stability, with no changes in its current territory, meaning no partition and no union with any country or part of any country. It should ensure Kosovo's security and that it did not pose a military or security threat to its neighbours; promote mechanisms to strengthen Kosovo's ability to enforce the rule of law, fight organized crime and terrorism and safeguard the multi-ethnic character of the police and the judiciary; ensure sustainable economic

and political development, and maintain an international civilian and military presence to supervise compliance with the provisions of the status settlement; ensure security and protection of minorities; and monitor and support the authorities in the continued implementation of standards.

Future status preparations. The Secretary-General, in his report on UNMIK [S/2006/45] describing developments in the latter part of the year, said that his Special Envoy for the future status process, Mr. Ahtisaari, held initial consultations in the region, including in Kosovo, from 21 to 27 November. Since then, the Kosovo Albanian leaders had made significant progress in preparing for the status process. In September, President Rugova established a negotiating team, which met on 6 October, and a political group to prepare specific position papers. In the meantime, Kosovo Albanian political and institutional leaders had welcomed the Contact Group's guiding principles (see above).

At a plenary meeting on 17 November, the Kosovo Assembly unanimously adopted a resolution reconfirming the political will of the people of Kosovo for an independent and sovereign state of Kosovo, and provided a mandate for Kosovo's delegation to the future status process. A similar resolution was adopted by Serbia and Montenegro's Parliament on 21 November. On 22 November, the Kosovo negotiating team met with the Special Envoy and submitted a document outlining its platform for status negotiations, including its commitment to equal rights for majority and minority communities, based on the rule of law. On 9 December, the negotiating team established a Consultative Committee for Minorities to advise on minority issues. The negotiating team and its political group were making progress in preparing Pristina for the status process, although detailed proposals on specific issues had yet to be agreed.

Other developments

Reporting on other developments during the latter part of the year [S/2006/45], the Secretary-General said that the comprehensive review of the situation in Kosovo (see p. 469) had encouraged the Provisional Institutions to make progress on both the implementation of standards and on a number of important processes, including dialogue between the communities and local government reform. However, the participation of Kosovo Serb leaders in the political process had declined. As the main Kosovo Serb party (the Serbian List for Kosovo and Metohija (SLKM)) remained outside the Provisional Institutions, the Serbian National Council of North Kosovo en-

gaged more actively with UNMIK to fill the gap left by SLKM as the international community's main local interlocutor. The mid-September appointment of a new head of the Serbian Coordination Centre in Belgrade, Sanda Raskovic-Ivic, was seen as an expression of Serbia's intention to take a more assertive role in political decisions related to Kosovo and in promoting their implementation through the Centre's coordinators on the ground.

Meanwhile, the security situation remained generally stable, despite the continuation of violent attacks, the most significant of which were the shooting of a KPS senior officer on 28 September, the murder of a Kosovo Serb student on 30 November and a 3 December rocket-propelled grenade attack on a bus with 11 passengers en route to Belgrade, but which failed to explode. There were also reports of illegal checkpoints being set up in remote locations.

Progress in local government reform remained uneven. In August, the Special Representative established the territorial delineation of five pilot municipal units, two in Kosovo Albanian, two in Kosovo Serb and one in Kosovo Turkish-majority areas. With UNMIK support, the units in the Kosovo Albanian and Kosovo Turkish-majority areas were successfully launched. Although the Assemblies of those three units lacked adequate premises, they met regularly. However, the establishment of the Kosovo Serb units was held up by the refusal of the Provisional Institutions to map out those units that would be dominated by a Kosovo Serb majority, and by Kosovo Serb insistence that two of the units be overwhelmingly Kosovo Serb before they would consider participation.

Dialogue between Belgrade and Pristina showed some progress at the political level, but stagnated at the technical level. In addition to the Ministerial-level meeting in Vienna on decentralization, the respective Ministers of Culture met in Belgrade on 23 September and in Bulgaria on 8 and 9 December. At the technical level, the four direct dialogue working groups for technical cooperation continued to meet on the issues of energy, missing persons, returns, and transport and communications, however, progress was limited since September, and, with the initiation of the future status process, the parties were increasingly reluctant to engage constructively in direct dialogue.

Work on repairing and protecting Serbian Orthodox cultural and religious heritage proceeded well. Reconstruction work on Serbian Orthodox churches began on 10 October and the first phase of the consolidation and protection of 30 cultural heritage sites was completed by the end of the

year. The United Nations Educational, Scientific and Cultural Organization held the first session (Paris, France, 9 December) of the Experts Committee on the Rehabilitation and Safeguarding of the Cultural Heritage in Kosovo, which decided to implement 14 projects at a cost of over \$3 million.

UNMIK transferred more competences to the Provisional Institutions, particularly those relating to the rule of law and security. Five out of Kosovo's six regions currently had KPS commanders and all 33 police stations had undergone the transition to KPS operational command. In addition, several prisons and detention centres had local commanders. The promulgation in December of an UNMIK regulation establishing new Ministries of Justice and Internal Affairs marked a key step forward. Another regulation was signed on the KPS framework and guiding principles, which provided for the legal and ethical basis for a transitioned service and guarantees for minorities and paved the way for the creation of new public safety institutions, such as the Police Inspectorate and the Kosovo Academy for Public Service Education and Development.

Future international involvement in Kosovo

Consequent upon the recognition in the Contact Group's guiding principles for the Kosovo future status process that an international civilian and military presence would be required in Kosovo, the Special Representative initiated consultations in October, with a view to preparing a technical assessment of the needs of such an involvement, without prejudice to the actual outcome of the process. The assessment, conducted by UNMIK, in collaboration with OSCE and NATO, as well as with UN funds and agencies and bilateral donors, focused on four main areas: the rule of law; good governance; democratization, human rights and minority issues; and economic and fiscal issues.

Progress on standards implementation

The Secretary-General transmitted to the Security Council the technical assessments of progress in implementing the eight standards for Kosovo (functioning democratic institutions, rule of law, freedom of movement, returns and integration, economy, property rights, dialogue with Belgrade and the Kosovo Protection Corps), which it had to meet to comply with Council resolution 1244(1999) [YUN 1999, p. 353], the Constitutional Framework for Provisional Self-Government [YUN 2001, p. 352], the original standards/benchmarks statement endorsed by the Council in presidential statement S/PRST/

2002/11 [YUN 2002, p. 369] and the 2004 Kosovo Standards Implementation Plan [YUN 2004, p. 408]. Those assessments, prepared by the Special Representative, were annexed to the Secretary-General's reports on UNMIK covering the periods November 2004 to January 2005 [S/2005/88], February to April [S/2005/335], and May to December [S/2006/45].

Functioning of democratic institutions. Kosovo's political institutions demonstrated deepening maturity by electing a new Government quickly after the resignation of the former Prime Minister, Mr. Haradinaj (see p. 468). Minority community members participating in the Government increased to four (Kosovo Serb and Bosniac Ministers, Kosovo Egyptian and Turk Deputy Ministers). Three further positions (Minister, Deputy Minister and Assembly Presidency) reserved for Kosovo Serbs awaited nominations by their political parties. The Assembly adopted improved rules of procedure and continued to rely on UNMIK support to amend legislation to ensure technical adequacy and compliance with the constitutional framework and international human rights instruments. Ten laws adopted by the Assembly were being reviewed by UNMIK for conformity with international standards, five of which needed revision to comply with the constitutional framework. The Law on Freedom of Association of Non-Governmental Organizations was adopted by the Assembly and was awaiting promulgation. The Government approved a progressive law on the use of languages and established a language compliance monitoring mechanism, which was functioning effectively for the central government and 12 municipalities. The Independent Media Commission law was promulgated and appointments to the Commission's Council were progressing. The Assembly passed, at first reading, the law on the public broadcaster, which was reviewed by relevant Assembly committees. All the main daily and weekly newspapers endorsed the press code and a Press Council was established to monitor its implementation. The Government also adopted a strategic plan for minority media, as well as codes of conduct for elected officials and civil servants, comprehensive government rules of procedure and terms of reference for the new Ministries. Municipal minority employment increased as 15 of 27 municipalities met or exceeded their targets. The Government initiated a special recruitment campaign that served and advertised 103 central institution positions for minorities.

Rule of law. Local crime prevention councils were operating in every municipality, and crime clearance rates remained broadly comparable for

majority and minority victims. Central and municipal political leaders' condemnation of serious crimes and encouragement to cooperate fully with the police increased markedly. KPS continued to assume greater responsibilities. Seven police stations (total of 27 out of 32) and the first regional command centre (Gnjilane) made the transition to KPS command.

As at December, 426 people were charged for offences relating to the violence in March 2004, 209 of which had been convicted, 12 acquitted, 95 cases dropped and 110 pending. The action plan to combat trafficking in persons was approved and work started on its implementation, including the opening of a toll-free telephone line for victims and a victims' resource centre.

Freedom of movement. Freedom of movement improved in every municipality, except northern Mitrovica. Of the 583 minority community members surveyed, 83 per cent said that they had travelled outside their area of residence to other parts of Kosovo. Their perception of their freedom of movement had also improved. Regular military escorts ceased and KFOR's fixed guarding positions were reduced from 50 before March 2004 to 14. As of July, the Austerlitz Bridge joining northern and southern Mitrovica was opened to traffic 24 hours a day. Five inter-urban bus lines subsidized by the Kosovo consolidated budget were opened, connecting minority communities in Prishtine/Pristina, Mitrovica/Prizren and Gjilan/Gnjilane regions.

Returns and reintegration. The Government and most municipalities significantly increased official support for returns, and undertook a wide-ranging outreach programme to strengthen and support freedom of movement, returns and dialogue and tolerance building. The Prime Minister, Ministers and many municipal leaders actively engaged with internally displaced persons. On 25 February, the Prime Minister and 23 Kosovo Albanian majority municipalities adopted a joint declaration urging the displaced to return and the majority population to accept and implement its responsibilities towards minority communities. It also called for the protection of property rights and the release of illegally occupied property. The Government allocated 10.5 million euros for returns from the 2005 consolidated budget and an additional 2.2 million euros for the reconstruction of houses damaged or destroyed in March 2004. UNHCR documented 1,925 voluntary returns between 1 January to 30 November 2005, one third of which were Kosovo Serbs. Return projects were ongoing in 18 municipalities, 25 had endorsed municipal returns strategies and 28 had functioning municipal returns officers. The Ministry of Labour and So-

cial Welfare assumed humanitarian responsibility for all eligible internally displaced persons. The strategic framework on communities and returns was launched in July and a protocol on returns was agreed to at the technical level between Pristina and Belgrade in September.

On 25 January [S/2005/47], Serbia and Montenegro brought to the Security Council's attention the difficult situation prevailing in Kosovo and Metohija, resulting from harsh winter conditions that had deprived several Serbian villages of power supply. Serbia and Montenegro said that depriving the remaining Serb population of power at the height of winter further discouraged returns and brought additional pressure on them to leave Kosovo and Metohija.

Economy. Five pieces of basic economic legislation were promulgated. Eight laws and regulations were in place, and nine were in the legislative process. A regulatory framework for mines and minerals was established and a Regulation establishing an Independent Commission for Mines and Minerals was adopted, opening the way for investment. Twenty-four per cent of the budget was allocated to public investment, a three per cent increase since 2004. The Government instructed spending agencies to comply with the International Monetary Fund (IMF) recommendations, particularly in reducing recurrent expenditure, and promulgated a system for monitoring spending agencies' expenditures, imposing fiscal discipline and ensuring efficient allocation of expenditures. Budget management was also strengthened, unauthorized budget transfers identified and reversed, and attempted transfers corrected by the Ministry of Finance and Economy. Chairmanship of the Economic Fiscal Council was transferred to the Prime Minister. A letter of intent was signed with IMF on Kosovo's medium-term economic and fiscal policy framework, committing the Government to stricter public expenditure controls and limits on the budget deficit, public sector employment and benefits and growth in government spending. A new excise code, a law to support small and medium-sized enterprises and a revised procedure for appointments to the Kosovo Pension Savings Trust were promulgated.

Property rights. The promulgation of a Regulation on the allocation of socially owned immovable property managed by municipalities laid the foundation for more effective efforts to regularize informal settlements and provide social housing. Political leadership against illegal occupation and use of property was more marked. A working group was created to develop a public information campaign on the issue and the Government developed plans for a new data collec-

tion system for property rights by tracking court-adjudicated illegal occupation/repossession claims and related actions. Although there was no evidence of ethnic bias in either property-related court decisions or their execution, efforts were needed to make the related legislation more coherent, consistent and compliant with international human rights and European standards. All administrative instructions to implement the law on spacial planning and the situational analysis of informal settlements and the draft guidelines for spacial planning to protect and begin to regularize informal settlements were completed also. Ninety-four per cent of the residential property caseload of the Housing and Property Directorate had been adjudicated, and was expected to be completed by the end of the year. A joint Provisional Institutions-Housing and Property Directorate forum was established to improve coordination of and increase in public support for implementation of the Directorate's decisions. The backlog of property-related cases in the courts rose to 8,486. UNMIK and the Government agreed on a mechanism to resolve outstanding conflict-related property claims.

Cultural heritage. An action plan for cooperation with the Council of Europe on cultural heritage was drafted, including joint elaboration of a heritage policy (2006-2010) on the preservation of cultural heritage and capacity-building for cultural institutions. A public awareness campaign on the importance of the cultural heritage sites of all Kosovo communities was started. Fieldwork on the inventory of cultural heritage sites was completed, but work on the official inventory stalled. A total of 4.2 million euros was again allocated from the consolidated budget for initial reconstruction of Serbian Orthodox sites damaged in March 2004. A Reconstruction Implementation Commission was established to lead reconstruction of those sites; 30 priority sites had been agreed upon.

Dialogue with Belgrade. Direct dialogue with Belgrade resumed during the year. The working group on missing persons met in Belgrade in March, June, October and December. The working group on energy met in May and November and the working group on returns held an ad hoc meeting in September. Progress was made in establishing a working group on the environment.

Kosovo Protection Corps. The Kosovo Protection Corps (KPC) continued to comply with the rule of law, act in accordance with its mandate as a civilian emergency organization and make significant additional standards efforts. A vigorous minority recruitment and retention campaign continued. A total of 161 minorities actively participated, including 31 Ashkali, 18 Bosniacs,

8 Egyptians, 9 Croats, 14 Muslims, 2 Roma, 48 Serbs, 30 Turks and a Goran.

By the end of the year, KPC teams had cleared over 1.7 million square metres of land of unexploded ordnance. The Civil Protection Brigade was inaugurated and its members received specialized training in the handling of hazardous materials, crisis management and firefighting.

UN Interim Administration Mission in Kosovo

The United Nations Interim Administration Mission in Kosovo (UNMIK), established in 1999 [YUN 1999, p. 337] to facilitate a political process to determine Kosovo's political future, comprised five components referred to as pillars: interim administration (led by the United Nations); institution-building (led by OSCE); economic reconstruction (led by the EU); humanitarian affairs (led by UNHCR); and police and justice (led by the United Nations). UNMIK was headed by the Special Representative of the Secretary-General, Soren Jessen-Petersen.

The Secretary-General reported to the Security Council on the activities of UNMIK and developments in Kosovo for the periods 1 November 2004 to 31 January 2005 [S/2005/88] and 1 February to 30 April 2005 [S/2005/335] (see above). Activities for the remainder of the year were covered in a later report [S/2006/45].

Financing

On 13 April [meeting 91], the General Assembly, having considered the Secretary-General's request for an additional appropriation of \$33,744,100 for the maintenance of UNMIK for the period 1 July 2004 to 30 June 2005 [A/59/692] and the comments and recommendation of ACABQ thereon [A/59/728], adopted, on the recommendation of the Fifth Committee [A/59/772], **resolution 59/286 A** without vote [agenda item 133].

Financing of the United Nations Interim Administration Mission in Kosovo

A

The General Assembly,

Having considered the note by the Secretary-General on the financing arrangements for the United Nations Interim Administration Mission in Kosovo for the period from 1 July 2004 to 30 June 2005 and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Recalling Security Council resolution 1244(1999) of 10 June 1999 regarding the establishment of the United Nations Interim Administration Mission in Kosovo,

Recalling also its resolution 53/241 of 28 July 1999 on the financing of the Mission and its subsequent resolutions thereon, the latest of which is resolution 58/305 of 18 June 2004,

Acknowledging the complexity of the Mission,

Reaffirming the general principles underlying the financing of United Nations peacekeeping operations, as stated in General Assembly resolutions 1874(S-IV) of 27 June 1963, 3101(XXVIII) of 11 December 1973 and 55/235 of 23 December 2000,

Mindful of the fact that it is essential to provide the Mission with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolution of the Security Council,

1. *Takes note* of the status of contributions to the United Nations Interim Administration Mission in Kosovo as at 28 February 2005, including the contributions outstanding in the amount of 132.4 million United States dollars, representing some 7 per cent of the total assessed contributions, notes with concern that only sixty-eight Member States have paid their assessed contributions in full, and urges all other Member States, in particular those in arrears, to ensure payment of their outstanding assessed contributions;

2. *Expresses its appreciation* to those Member States which have paid their assessed contributions in full, and urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the Mission in full;

3. *Expresses concern* at the financial situation with regard to peacekeeping activities, in particular as regards the reimbursements to troop contributors that bear additional burdens owing to overdue payments by Member States of their assessments;

4. *Also expresses concern* at the delay experienced by the Secretary-General in deploying and providing adequate resources to some recent peacekeeping missions, in particular those in Africa;

5. *Emphasizes* that all future and existing peacekeeping missions shall be given equal and non-discriminatory treatment in respect of financial and administrative arrangements;

6. *Also emphasizes* that all peacekeeping missions shall be provided with adequate resources for the effective and efficient discharge of their respective mandates;

7. *Reiterates its request* to the Secretary-General to make the fullest possible use of facilities and equipment at the United Nations Logistics Base at Brindisi, Italy, in order to minimize the costs of procurement for the Mission;

8. *Endorses* the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions, and requests the Secretary-General to ensure their full implementation;

9. *Requests* the Secretary-General to take all necessary action to ensure that the Mission is administered with a maximum of efficiency and economy;

10. *Also requests* the Secretary-General, in order to reduce the cost of employing General Service staff, to continue efforts to recruit local staff for the Mission against General Service posts, commensurate with the requirements of the Mission;

Revised budget estimates for the period from 1 July 2004 to 30 June 2005

11. *Decides* to appropriate to the Special Account for the United Nations Interim Administration Mission in Kosovo the additional amount of 30 million

dollars for the maintenance of the Mission for the period from 1 July 2004 to 30 June 2005, taking into account the total amount of 278,413,700 dollars already appropriated for the Mission for the same period under the provisions of General Assembly resolution 58/305;

Financing of the appropriation

12. *Decides also* to apportion among Member States the amount of 30 million dollars, taking into account the amount of 278,413,700 dollars already apportioned by the General Assembly in its resolution 58/305 for the period from 1 July 2004 to 30 June 2005, in accordance with the levels set out by the Assembly in its resolution 55/235, as adjusted in its resolution 55/236 of 23 December 2000 and updated in its resolution 58/256 of 23 December 2003, the scale of assessments for 2004 and 2005, as set out in its resolution 58/1 B of 23 December 2003, to be applied against a portion thereof, that is, 15 million dollars, which is the amount pertaining to the period ended 31 December 2004, and to be applied also against the balance, that is, 15 million dollars for the period from 1 January to 30 June 2005;

13. *Decides further* that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 12 above, their respective share in the Tax Equalization Fund of the additional amount of 3,850,800 dollars, approved for the Mission for the period from 1 July 2004 to 30 June 2005;

14. *Emphasizes* that no peacekeeping mission shall be financed by borrowing funds from other active peacekeeping missions;

15. *Encourages* the Secretary-General to continue to take additional measures to ensure the safety and security of all personnel under the auspices of the United Nations participating in the Mission;

16. *Invites* voluntary contributions to the Mission in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure and practices established by the General Assembly;

17. *Decides* to keep under review during its fifty-ninth session the item entitled "Financing of the United Nations Interim Administration Mission in Kosovo".

On 22 June [meeting 104], the Assembly, having considered UNMIK's financial performance report for the period from 1 July 2003 to 30 June 2004 [A/59/736], the proposed budget for the period from 1 July 2005 to 30 June 2006 [YUN 2004, p. 418] and ACABQ's comments and recommendations thereon [A/59/736/Add.1], adopted, on the recommendation of the Fifth Committee [A/59/772/Add.1], **resolution 59/286 B** without vote [agenda item 133].

B

The General Assembly,

Having considered the reports of the Secretary-General on the financing of the United Nations Interim Administration Mission in Kosovo and the related re-

ports of the Advisory Committee on Administrative and Budgetary Questions,

Recalling Security Council resolution 1244(1999) of 10 June 1999 regarding the establishment of the United Nations Interim Administration Mission in Kosovo,

Recalling also its resolution 53/241 of 28 July 1999 on the financing of the Mission and its subsequent resolutions thereon, the latest of which was resolution 59/286 A of 13 April 2005,

Acknowledging the complexity of the Mission,

Reaffirming the general principles underlying the financing of United Nations peacekeeping operations, as stated in General Assembly resolutions 1874(S-IV) of 27 June 1963, 3101(XXVIII) of 11 December 1973 and 55/235 of 23 December 2000,

Mindful of the fact that it is essential to provide the Mission with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolution of the Security Council,

1. *Requests* the Secretary-General to entrust the Head of Mission with the task of formulating future budget proposals in full accordance with the provisions of General Assembly resolution 59/296 of 22 June 2005, as well as other relevant resolutions;

2. *Takes note* of the status of contributions to the United Nations Interim Administration Mission in Kosovo as at 15 April 2005, including the contributions outstanding in the amount of 82.7 million United States dollars, representing some 4 per cent of the total assessed contributions, notes with concern that only seventy-four Member States have paid their assessed contributions in full, and urges all other Member States, in particular those in arrears, to ensure payment of their outstanding assessed contributions;

3. *Expresses its appreciation* to those Member States which have paid their assessed contributions in full, and urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the Mission in full;

4. *Expresses concern* at the financial situation with regard to peacekeeping activities, in particular as regards the reimbursements to troop contributors that bear additional burdens owing to overdue payments by Member States of their assessments;

5. *Also expresses concern* at the delay experienced by the Secretary-General in deploying and providing adequate resources to some recent peacekeeping missions, in particular those in Africa;

6. *Emphasizes* that all future and existing peacekeeping missions shall be given equal and non-discriminatory treatment in respect of financial and administrative arrangements;

7. *Also emphasizes* that all peacekeeping missions shall be provided with adequate resources for the effective and efficient discharge of their respective mandates;

8. *Reiterates its request* to the Secretary-General to make the fullest possible use of facilities and equipment at the United Nations Logistics Base at Brindisi, Italy, in order to minimize the costs of procurement for the Mission;

9. *Endorses* the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions, and requests

the Secretary-General to ensure their full implementation;

10. *Requests* the Secretary-General to ensure the full implementation of the relevant provisions of its resolution 59/296;

11. *Notes*, as pointed out by the Advisory Committee on Administrative and Budgetary Questions in paragraphs 20 and 21 of its report, that the functions of a large number of posts have been performed by staff at grades lower than the budgeted levels, and requests the Secretary-General to take appropriate action;

12. *Requests* the Secretary-General to take all necessary action to ensure that the Mission is administered with a maximum of efficiency and economy;

13. *Also requests* the Secretary-General, in order to reduce the cost of employing General Service staff, to continue efforts to recruit local staff for the Mission against General Service posts, commensurate with the requirements of the Mission;

Financial performance report for the period from 1 July 2003 to 30 June 2004

14. *Takes note* of the report of the Secretary-General on the financial performance of the Mission for the period from 1 July 2003 to 30 June 2004;

Budget estimates for the period from 1 July 2005 to 30 June 2006

15. *Decides* to appropriate to the Special Account for the United Nations Interim Administration Mission in Kosovo the amount of 252,551,800 dollars for the period from 1 July 2005 to 30 June 2006, inclusive of 239,889,800 dollars for the maintenance of the Mission, 10,353,700 dollars for the support account for peacekeeping operations and 2,308,300 dollars for the United Nations Logistics Base;

Financing of the apportionment

16. *Decides also* to apportion among Member States the amount of 252,551,800 dollars, at a monthly rate of 21,045,983 dollars in accordance with the levels updated in General Assembly resolution 58/256 of 23 December 2003, and taking into account the scale of assessments for 2005 and 2006, as set out in its resolution 58/1 B of 23 December 2003;

17. *Decides further* that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 16 above, their respective share in the Tax Equalization Fund of the amount of 21,704,300 dollars, comprising the estimated staff assessment income of 20,054,100 dollars approved for the Mission, the prorated share of 1,463,500 dollars of the estimated staff assessment income approved for the support account and the prorated share of 186,700 dollars of the estimated staff assessment income approved for the United Nations Logistics Base;

18. *Decides* that, for Member States that have fulfilled their financial obligations to the Mission, there shall be set off against their apportionment, as provided for in paragraph 16 above, their respective share of the unencumbered balance and other income in the amount of 4,470,000 dollars in respect of the financial period ended 30 June 2004, in accordance with the levels updated in General Assembly resolution 58/256, and taking into account the scale of assessments for 2004, as set out in its resolution 58/1 B;

19. *Decides also* that, for Member States that have not fulfilled their financial obligations to the Mission, there shall be set off against their outstanding obligations their respective share of the unencumbered balance and other income in the amount of 4,470,000 dollars in respect of the financial period ended 30 June 2004, in accordance with the scheme set out in paragraph 18 above;

20. *Decides further* that the increase of 3,763,200 dollars in the estimated staff assessment income in respect of the financial period ended 30 June 2004 shall be added to the credits from the amount of 4,470,000 dollars referred to in paragraphs 18 and 19 above;

21. *Emphasizes* that no peacekeeping mission shall be financed by borrowing funds from other active peacekeeping missions;

22. *Encourages* the Secretary-General to continue to take additional measures to ensure the safety and security of all personnel under the auspices of the United Nations participating in the Mission, bearing in mind paragraphs 5 and 6 of Security Council resolution 1502(2003) of 26 August 2003;

23. *Invites* voluntary contributions to the Mission in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure and practices established by the General Assembly;

24. *Decides* to include in the provisional agenda of its sixtieth session the item entitled "Financing of the United Nations Interim Administration Mission in Kosovo".

In December, the Secretary-General submitted the performance report for UNMIK for the period from 1 July to 30 June 2005 [A/60/637 & Corr.1].

International security presence

The Secretary-General transmitted to the Security Council, in accordance with resolution 1244(1999) [YUN 1999, p. 353], reports on the activities of the international security presence in Kosovo (KFOR), also known as Operation Joint Guard, covering the periods 1 January to 31 January [S/2005/352], 1 February to 31 May [S/2005/241, S/2005/308, S/2005/348, S/2005/420], 1 August to 31 August [S/2005/689] and 1 November to 31 December [S/2006/167]. As at 31 December, the force, which operated under NATO leadership, comprised 17,751 troops, including 2,768 from non-NATO countries.

KFOR continued operations to prevent ethnic violence and protect patrimonial sites and remained vigilant to deter possible threats directed against international organizations and military bases. The force continued to improve its crowd and riot control capabilities so as to be better prepared to counter any resurgence of violence.

Georgia

In 2005, renewed efforts were made to end the stalemate in the Georgian/Abkhaz peace process and to restart dialogue on the basis of the 2001 paper known as Basic Principles for the Distribution of Competences between Tbilisi (Georgia's Government) and Sukhumi (the Abkhaz leadership) [YUN 2001, p. 386], which was intended to serve as a framework for substantive negotiations over the status of Abkhazia as a sovereign entity within the State of Georgia.

In April, for the first time since July 2003, high-level representatives of the Group of Friends of the Secretary-General (Russia, Germany, France, United Kingdom, United States) met in Geneva, with the participation of the parties. Although those discussions revealed the differing priorities of the Georgian and Abkhaz delegations, they did lead to further cooperation in practical issues. Discussions on security matters were held and a protocol signed, including measures to strengthen implementation of the 1994 Moscow Agreement on a Ceasefire and Separation of Forces. Draft documents on the non-resumption of hostilities and the safe and dignified return of refugees were finalized for discussion, and meetings of the so-called Sochi working groups on the Sochi-Tbilisi railway and on the return of displaced persons and refugees resumed. In October, the latter working group endorsed in principle documents prepared by the Office of the United Nations High Commissioner for Refugees on the verification and registration of displaced persons and refugees.

However, those positive developments took place against the backdrop of an increasingly difficult and complex situation on the ground, including a call by the Georgian side for the withdrawal of the security forces of the Commonwealth of Independent States and for a UN-led international force.

UN Observer Mission in Georgia

The United Nations Observer Mission in Georgia (UNOMIG), established by Security Council resolution 858(1993) [YUN 1993, p. 509], continued to monitor compliance with the 1994 Agreement on a Ceasefire and Separation of Forces (Moscow Agreement) [YUN 1994, p. 583] and to fulfil other tasks as mandated by Council resolution 937(1994) [ibid., p. 584]. At the request of the parties [ibid., p. 583], the Mission operated in close collaboration with the collective peacekeeping force of the Commonwealth of Independent

States (CIS) located in the zone of conflict since 1994. The Council extended the Mission's mandate twice during the year, the first time until 31 July 2005, and the second, until 31 January 2006.

UNOMIG's main headquarters was located in Sukhumi (Abkhazia, Georgia), with some administrative headquarters in Pitsunda, a liaison office in the Georgian capital of Tbilisi and team bases and a sector headquarters in each of the Gali and Zugdidi sectors. A team base in the Kodori Valley was manned by observers operating from Sukhumi. As at 31 December 2005, UNOMIG's strength stood at 122 military observers and 12 civilian police officers.

Heidi Tagliavini (Switzerland) continued as the Secretary-General's Special Representative for Georgia and Head of UNOMIG. She was assisted by Major General Hussein Ghobashi (Egypt), UNOMIG's Chief Military Observer, who was succeeded on 13 August by Major General Niaz Muhammad Khan Khattak (Pakistan).

Political aspects of the conflict

Report of Secretary-General (January). The Secretary-General, in his January report [S/2005/32] on the situation in Abkhazia, Georgia, and UNOMIG's operations there, noted that recent efforts to advance dialogue for resolving the conflict had encountered serious challenges. UNOMIG's main efforts were focused on finding ways to re-establish dialogue and avoid further regression. The December 2004 high-level meeting of the Group of Friends [YUN 2004, p. 429] had provided an opportunity to reflect on how best to address those challenges in pursuit of a lasting and comprehensive solution.

The Secretary-General hoped that the political situation would stabilize and that dialogue in the priority areas of economic cooperation, the return of refugees and internally displaced persons and political and security matters would resume, accompanied by relevant confidence-building measures. As UNOMIG's presence was critical to maintaining stability in the conflict zone and advancing the peace process, the Secretary-General recommended that its mandate be extended until 31 July 2005.

Communication. In a 26 January letter to the Security Council President [S/2005/45], Georgia reiterated its readiness to resume negotiations with the Abkhaz side, but regretted the lack of a similar willingness on their part. Georgia said that the longer the conflict remained unresolved, the more difficult it would be to find a compromise. It therefore invited the Council to increase its involvement in the conflict-resolution process, including through a field visit to Georgia to learn

first-hand of the reality on the ground and to get the process out of the current stalemate.

SECURITY COUNCIL ACTION

On 28 January [meeting 5116], the Security Council unanimously adopted **resolution 1582(2005)**. The draft [S/2005/48] was prepared in consultations among Council members.

The Security Council,

Recalling all its relevant resolutions, in particular resolution 1554(2004) of 29 July 2004,

Welcoming the report of the Secretary-General of 17 January 2005,

Recalling the conclusions of the summits of the Organization for Security and Cooperation in Europe held in Lisbon in December 1996 and in Istanbul on 18 and 19 November 1999, regarding the situation in Abkhazia, Georgia,

Recalling also the relevant principles contained in the Convention on the Safety of United Nations and Associated Personnel adopted on 9 December 1994,

Deploring the fact that the perpetrators of the shooting down of a helicopter of the United Nations Observer Mission in Georgia on 8 October 2001, which resulted in the death of nine people on board, have still not been identified,

Stressing that the continued lack of progress on key issues of a comprehensive settlement of the conflict in Abkhazia, Georgia, is unacceptable,

Welcoming, however, the positive momentum given to the United Nations-led peace process by regular high-level meetings of the Group of Friends of the Secretary-General in Geneva and the Georgian-Russian summit meetings,

Welcoming also the important contributions made by the Mission and the collective peacekeeping force of the Commonwealth of Independent States in stabilizing the situation in the zone of conflict, and stressing its attachment to the close cooperation existing between them in the performance of their respective mandates,

1. *Reaffirms* the commitment of all Member States to the sovereignty, independence and territorial integrity of Georgia within its internationally recognized borders, and the necessity to define the status of Abkhazia within the State of Georgia in strict accordance with these principles;

2. *Commends and strongly supports* the sustained efforts of the Secretary-General and his Special Representative, with the assistance of the Russian Federation in its capacity as facilitator as well as of the Group of Friends of the Secretary-General and of the Organization for Security and Cooperation in Europe, to promote the stabilization of the situation and the achievement of a comprehensive political settlement, which must include a settlement of the political status of Abkhazia within the State of Georgia;

3. *Reiterates its strong support* for the document entitled "Basic Principles for the Distribution of Competences between Tbilisi and Sukhumi" and for its letter of transmittal, finalized by, and with the full support of, all members of the Group of Friends;

4. *Deeply regrets* the continued refusal of the Abkhaz side to agree to a discussion on the substance of that

document, again strongly urges the Abkhaz side to receive the document and its letter of transmittal, urges both parties thereafter to give them full and open consideration and to engage in constructive negotiations on their substance, and urges those having influence with the parties to promote this outcome;

5. *Regrets* the lack of progress on the initiation of political status negotiations, and recalls, once again, that the purpose of those documents is to facilitate meaningful negotiations between the parties, under the leadership of the United Nations, on the status of Abkhazia within the State of Georgia, and is not an attempt to impose or dictate any specific solution to the parties;

6. *Notes* its position on Abkhaz elections as expressed in its resolution 1255(1999) of 30 July 1999;

7. *Calls upon* both sides to participate in constructive negotiations towards a political settlement of the conflict and to spare no efforts to overcome their ongoing mutual mistrust, and underlines the fact that the process of negotiation leading to a lasting political settlement acceptable to both sides will require concessions from both sides;

8. *Welcomes* the commitment by the Georgian side to a peaceful resolution of the conflict, and calls upon both parties further to publicly dissociate themselves from all militant rhetoric and demonstrations of support for military options;

9. *Reminds* all concerned to refrain from any action that might impede the peace process;

10. *Welcomes* the convening of regular meetings of senior representatives of the Group of Friends and the United Nations in Geneva, and encourages both sides to participate actively in the next meeting;

11. *Urges* the parties to participate in a more active, regular and structured manner in the task forces established in the first Geneva meeting (to address issues in the priority areas of economic cooperation, the return of internally displaced persons and refugees, and political and security matters) and complemented by the working groups established in Sochi, Russian Federation, in March 2003, and reiterates that results-oriented activities in these three priority areas remain key to building common ground between the Georgian and Abkhaz sides and ultimately for concluding meaningful negotiations on a comprehensive political settlement based on the document entitled "Basic Principles for the Distribution of Competences between Tbilisi and Sukhumi" and its letter of transmittal;

12. *Encourages* the sides, in that respect, to continue their discussion on security guarantees with the participation of the Group of Friends;

13. *Calls again upon* the parties to take concrete steps to revitalize the peace process in all its major aspects, including their work in the Coordinating Council and its relevant mechanisms, to build on the results of the third meeting on confidence-building measures between the Georgian and Abkhaz sides, held in Yalta, Ukraine, on 15 and 16 March 2001, and to implement the proposals agreed on that occasion in a purposeful and cooperative manner, with a view to holding a fourth meeting on confidence-building measures, and welcomes the intention expressed by Germany to host such a meeting pending progress in the conflict resolution process;

14. *Notes* that contacts at the level of civil society can reinforce mutual confidence, and calls upon both sides to facilitate such contacts;

15. *Stresses* the urgent need for progress on the question of the refugees and internally displaced persons, calls upon both sides to display a genuine commitment to make returns the focus of special attention and to undertake this task in close coordination with the United Nations Observer Mission in Georgia and in consultation with the Office of the High Commissioner for Refugees, and the Group of Friends;

16. *Calls for* the rapid finalization and signature of the letter of intent on returns proposed by the Special Representative of the Secretary-General, and welcomes the meetings, with the participation of the Special Representative and the Office of the High Commissioner of the Sochi working group on refugees and internally displaced persons;

17. *Reaffirms* the unacceptability of the demographic changes resulting from the conflict, reaffirms also the inalienable right of all refugees and internally displaced persons affected by the conflict to return to their homes in secure and dignified conditions, in accordance with international law and as set out in the Quadripartite Agreement on the Voluntary Return of Refugees and Displaced Persons of 4 April 1994 and the Yalta Declaration;

18. *Recalls* that the Abkhaz side bears a particular responsibility to protect the returnees and to facilitate the return of the remaining displaced population;

19. *Welcomes* the continuing activities of the United Nations Development Programme in the Gali, Ochamchira and Tkvarcheli districts and the opening of offices by the United Nations Development Programme in Sukhumi and Gali;

20. *Urges* the parties, once again, to implement the recommendations of the joint assessment mission of November 2000 to the Gali sector, regrets that there has been no progress to that effect despite the positive consideration by the parties given to those recommendations in the first Geneva meeting, and calls again upon the Abkhaz side to agree to the opening as soon as possible of the Gali branch of the human rights office in Sukhumi and to provide security conditions for its unhindered functioning;

21. *Reiterates its concern* that despite the start of the deployment of a civilian police component as part of the Mission, as endorsed in resolution 1494(2003) of 30 July 2003, and agreed upon by the parties, the deployment of the remaining officers in the Gali sector is still outstanding, and calls upon the Abkhaz side to allow for a swift deployment of the police component in that region;

22. *Calls in particular upon* the Abkhaz side to improve law enforcement involving the local population and to address the lack of instruction in their mother tongue for the ethnic Georgian population;

23. *Welcomes* the measures taken by the Georgian side to put an end to the activities of illegal armed groups, and encourages the maintenance of these efforts;

24. *Condemns* any violations of the provisions of the Agreement on a Ceasefire and Separation of Forces signed in Moscow on 14 May 1994;

25. *Welcomes* the continuing relative calm in the Kodori Valley, and condemns the killings and abductions of civilians in the Gali district;

26. *Urges* the parties to abide by the provisions of the protocols on security issues in the Gali district signed on 8 October 2003 and 19 January 2004, to continue their regular meetings and to cooperate more closely with each other to improve security in the Gali sector, and takes note of the resumption of Abkhaz participation in the quadripartite meetings and the Joint Investigation Group;

27. *Reiterates its call upon* the Georgian side to provide comprehensive security guarantees to allow for independent and regular monitoring of the situation in the upper Kodori Valley by joint patrols of the Mission and the collective peacekeeping force of the Commonwealth of Independent States;

28. *Underlines* the fact that it is the primary responsibility of both sides to provide appropriate security and to ensure the freedom of movement of the Mission, the collective peacekeeping force and other international personnel;

29. *Strongly condemns*, in that respect, the repeated abductions of personnel of those missions in the past, deeply deplores the fact that none of the perpetrators have ever been identified or brought to justice, reiterates that it is the responsibility of the parties to end this impunity, and calls upon them to take action;

30. *Calls upon* the parties, once again, to take all necessary steps, to identify those responsible for the shooting down of a Mission helicopter on 8 October 2001, to bring them to justice, and to inform the Special Representative of the steps taken in particular in the criminal investigation;

31. *Decides* to extend the mandate of the Mission for a new period terminating on 31 July 2005, subject to a review, as appropriate, of its mandate by the Council in the event of changes in the mandate of the collective peacekeeping force;

32. *Requests* the Secretary-General to continue to keep the Council regularly informed and to report three months from the date of the adoption of the present resolution on the situation in Abkhazia, Georgia;

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

Meeting of Group of Friends (April). For the first time since July 2003, high-level representatives of the Group of Friends of the Secretary-General (Russian Federation, Germany, France, United Kingdom, United States) met (Geneva, 7-8 April) with the participation of the parties. Separate consultations were held with each side to discuss their respective concerns and possible areas for follow-up discussions. The meetings revealed the differing priorities of the Georgian and Abkhaz delegations. The Georgian representatives underscored their willingness to discuss economic issues with the Abkhaz side, but emphasized the right of refugees and internally displaced persons to return and, in that context, the need for measures to address human rights and security in the Gali district. The Abkhaz side

undertook to pursue the opening of a UNOMIG human rights branch office and Georgian-language instruction in the Gali district, but highlighted their security concerns and urged Tbilisi to avoid militant rhetoric. They also urged the lifting of restrictions imposed by CIS in 1996 [YUN 1996, p. 359] and encouraged joint economic projects, such as the reopening of the Sochi-Tbilisi railway, to boost confidence among all parties.

Both sides responded positively to proposals by the Office of the United Nations High Commissioner for Refugees (UNHCR) for building trust and confidence at the grass-roots level, verifying the number and needs of the displaced population, developing mechanisms for monitoring and protection, addressing basic social and economic needs and creating conditions conducive to future returns.

The Group of Friends also discussed Germany's offer to host a conference on economic confidence-building and cooperation.

Report of Secretary-General (April). In a 25 April report [S/2005/269] on the situation in Abkhaz, Georgia, the Secretary-General stated that his Special Representative continued active dialogue with the two sides, supported by the Group of Friends. In Sukhumi, the new leadership, following the inauguration of Sergey Bagapsh as de facto President on 12 February, paved the way for renewed discussions, while in Tbilisi, the appointment by Georgian President Mikhail Saakashvili of a new Special Representative for a Georgian-Abkhaz settlement underlined the Government's continued desire for renewed engagement in the peace process. However, that optimism was clouded by naval incidents near Sukhumi on 16 March, and Abkhaz officials accusing the Georgian side of complicating the negotiation process. Following the high-level meeting of the Group of Friends in April (see above), the Special Representative led a joint visit (9-13 April) of senior Georgian and Abkhaz representatives to Italy to study the successful experience in institution-building and economic transformation in the autonomous region of Trentino-South Tyrol.

The Secretary-General said that he was encouraged by signals from the two sides, for while basic differences in their underlying positions remained, the renewed spirit of cooperation and dialogue was welcome and should be encouraged. To maintain momentum, he encouraged them to resume discussions in the relevant task forces and working groups. He welcomed their positive reaction to the UNHCR proposals (see above), which should pave the way for the verification exercise.

Security Council consideration. On 4 May, during consideration of the Secretary-General's report in closed session [meeting 5174], the Security Council heard briefings by the Under-Secretary-General for Peacekeeping Operations and the Special Envoy of the President of Georgia, Irakli Alasania. The Council President, in an assessment of the Council's work during May [S/2005/500], said that the Council took stock of the recent positive developments in the peace process after the high-level meeting of the Group of Friends in Geneva.

Report of Secretary-General (July). Reporting in July on the situation in Abkhazia, Georgia [S/2005/453], the Secretary-General said that, on 10 May, United States President George Bush, during his visit to Tbilisi, emphasized the need for the peaceful settlement of conflicts and urged the Georgian leadership to work with the Abkhaz and South Ossetian leaderships towards that end. He pledged his country's support for and cooperation with the United Nations in resolving the Georgian-Abkhaz conflict. On 30 May, the Foreign Ministers of Georgia and the Russian Federation, in a joint declaration on the modalities of functioning and withdrawal of Russian bases from Georgia, affirmed their cooperation in the achievement of a peaceful settlement of the conflicts in Georgia.

On 12 May, the Special Representative brought together the Georgian and Abkhaz representatives at the operational level at UNOMIG's Gali headquarters to discuss security issues. The discussions concluded with the signing of a protocol, which included measures to strengthen the implementation of the Moscow Agreement. The parties undertook to submit information on the strength of their armed personnel in the conflict zone, samples of their identification documents and proposals for establishing additional hot-lines between law enforcement agencies across the ceasefire line. They also agreed to maintain a minimum distance between the positions of law enforcement agencies and the ceasefire line, establish groups on each side to monitor the situation in the security zone, share information on criminal activities, resume patrolling in the Kodori Valley, improve the human rights situation and ensure support for the safety of international staff in the region. They agreed to meet on 20 and 21 July to discuss security guarantees, in line with the commitments made at the April meeting of the Group of Friends (see p. 481).

The Russian Federation convened (15-16 June) the so-called Sochi working groups on the rehabilitation of the Sochi-Tbilisi railway and on the return of refugees and internally displaced persons. The Special Representative, the Com-

mander of the CIS peacekeeping force and the head of UNHCR's Tbilisi office participated. Concerning the return of refugees and internally displaced persons, the parties expressed support for the documents prepared by UNHCR, including a draft questionnaire and plan for the verification and registration of returnees to the Gali district and its paper on strategic directions for confidence-building activities in the context of returns. Regarding railway rehabilitation, they agreed that an expert group would discuss the security and practical aspects of conducting a technical survey of the Psou-Inguri section of the railway. At the 2 July meeting of the group, the parties agreed to establish joint mobile groups, which would include representatives from both sides and the Russian Federation, and to finalize all related practical matters to begin the survey in mid-July.

The Secretary-General, welcoming the incremental progress made, expressed hope that each side would muster the political will for a more meaningful and pragmatic re-engagement and pledged UN assistance in that regard. He urged the Georgian side to be forthcoming in meeting Abkhaz security concerns and the Abkhaz side to effectively address practical and security concerns of the local population and returnees. The Secretary-General therefore recommended that UNOMIG's mandate be extended until 31 January 2006.

SECURITY COUNCIL ACTION

On 27 July [meeting 5238], the Security Council met in closed session to consider the Secretary-General's report on the situation in Georgia [S/2005/453]. It heard a briefing from the Secretary-General's Special Representative, Ms. Heidi Tagliavini and a statement by the Special Envoy of the President of Georgia, Mr. Irakli Alasania.

On 29 July [meeting 5242], the Council unanimously adopted **resolution 1615(2005)**. The draft [S/2005/492] was prepared by France, Germany, Romania, the Russian Federation, the United Kingdom and the United States.

The Security Council,

Recalling all its relevant resolutions, in particular resolution 1582(2005) of 28 January 2005,

Welcoming the report of the Secretary-General of 13 July 2005,

Recalling the conclusions of the summits of the Organization for Security and Cooperation in Europe held in Lisbon in December 1996 and in Istanbul on 18 and 19 November 1999 regarding the situation in Abkhazia, Georgia,

Recalling also the relevant principles contained in the Convention on the Safety of United Nations and Associated Personnel of 9 December 1994,

Deploring the fact that the perpetrators of the shooting down of a helicopter of the United Nations Observer Mission in Georgia on 8 October 2001, which resulted in the death of nine people on board, have still not been identified,

Stressing that the continued lack of progress on key issues of a comprehensive settlement of the conflict in Abkhazia, Georgia, is unacceptable,

Welcoming, however, the positive momentum given to the United Nations-led peace process by regular high-level meetings of the Group of Friends of the Secretary-General in Geneva and the Georgian-Russian summit meetings,

Welcoming also the important contributions made by the Mission and the collective peacekeeping forces of the Commonwealth of Independent States in stabilizing the situation in the zone of conflict, and stressing its attachment to the close cooperation existing between them in the performance of their respective mandates,

1. *Reaffirms* the commitment of all Member States to the sovereignty, independence and territorial integrity of Georgia within its internationally recognized borders, and the necessity to define the status of Abkhazia within the State of Georgia in strict accordance with these principles;

2. *Commends and strongly supports* the sustained efforts of the Secretary-General and his Special Representative, with the assistance of the Russian Federation in its capacity as facilitator as well as of the Group of Friends of the Secretary-General and of the Organization for Security and Cooperation in Europe, to promote the stabilization of the situation and the achievement of a comprehensive political settlement, which must include a settlement of the political status of Abkhazia within the State of Georgia;

3. *Reiterates its strong support* for the document entitled "Basic Principles for the Distribution of Competences between Tbilisi and Sukhumi" and for its letter of transmittal, finalized by, and with the full support of, all members of the Group of Friends;

4. *Deeply regrets* the continued refusal of the Abkhaz side to agree to a discussion on the substance of that document, again strongly urges the Abkhaz side to receive the document and its letter of transmittal, urges both parties thereafter to give them full and open consideration and to engage in constructive negotiations on their substance, and urges those having influence with the parties to promote this outcome;

5. *Regrets* the lack of progress on the initiation of political status negotiations, and recalls, once again, that the purpose of those documents is to facilitate meaningful negotiations between the parties, under the leadership of the United Nations, on the status of Abkhazia within the State of Georgia, and is not an attempt to impose or dictate any specific solution to the parties;

6. *Calls upon* both sides to participate in constructive negotiations towards a political settlement of the conflict and to spare no efforts to overcome their ongoing mutual mistrust, and underlines the fact that the process of negotiation leading to a lasting political settlement acceptable to both sides will require concessions from both sides;

7. *Welcomes* the commitment by the Georgian side to a peaceful resolution of the conflict, and calls upon

both parties further to publicly dissociate themselves from all militant rhetoric and demonstrations of support for military options;

8. *Reminds* all concerned to refrain from any action that might impede the peace process;

9. *Welcomes* the convening of regular meetings of senior representatives of the Group of Friends and the United Nations in Geneva as well as the participation of both sides in the last meeting, held on 7 and 8 April 2005, and the commitments expressed by the parties during this meeting, and strongly urges both sides to continue to participate constructively in future meetings;

10. *Urges* the parties to participate in a more active, regular and structured manner in the task forces established in the first Geneva meeting (to address issues in the priority areas of economic cooperation, the return of internally displaced persons and refugees, and political and security matters) and complemented by the working groups established in Sochi, Russian Federation, in March 2003, and reiterates that results-oriented activities in these three priority areas remain key to building common ground between the Georgian and Abkhaz sides and ultimately for concluding meaningful negotiations on a comprehensive political settlement based on the document entitled "Basic Principles for the Distribution of Competences between Tbilisi and Sukhumi" and its letter of transmittal;

11. *Regrets* the cancellation of the meeting on security guarantees planned for July 2005, and expects that such a meeting with the full participation of both sides will be held as soon as possible;

12. *Welcomes* the signing on 12 May 2005 of a Protocol with measures to strengthen the implementation of the Agreement on Ceasefire and Separation of Forces signed in Moscow on 14 May 1994;

13. *Calls again upon* the parties to take concrete steps to revitalize the peace process in all its major aspects, including their work in the Coordinating Council and its relevant mechanisms, to build on the results of the third meeting on confidence-building measures between the Georgian and Abkhaz sides, held in Yalta, Ukraine, on 15 and 16 March 2001, and to implement the proposals agreed on that occasion in a purposeful and cooperative manner, with a view to holding a fourth meeting on confidence-building measures, and welcomes the intention expressed by Germany to host such a meeting pending progress in the conflict resolution process;

14. *Welcomes* the positive developments towards the reopening of the railways between Sochi and Tbilisi and towards the return of refugees and internally displaced persons;

15. *Notes* that contacts at the level of civil society can reinforce mutual confidence, and calls upon both sides to facilitate such contacts;

16. *Stresses* the urgent need for progress on the question of the refugees and internally displaced persons, calls on both sides to display a genuine commitment to make returns the focus of special attention and to undertake this task in close coordination with the United Nations Observer Mission in Georgia and in consultation with the Office of the United Nations High Commissioner for Refugees and the Group of Friends;

17. *Calls for* the rapid finalization and signature of the letter of intent on returns proposed by the Special Representative of the Secretary-General, and welcomes the meetings with the participation of the Special Representative and the Office of the High Commissioner of the Sochi working group on refugees and internally displaced persons;

18. *Reaffirms* the unacceptability of the demographic changes resulting from the conflict, reaffirms also the inalienable rights of all refugees and internally displaced persons affected by the conflict, and stresses that they have the right to return to their homes in secure and dignified conditions, in accordance with international law and as set out in the Quadripartite Agreement of 4 April 1994 and the Yalta Declaration;

19. *Recalls* that the Abkhaz side bears a particular responsibility to protect the returnees and to facilitate the return of the remaining displaced population;

20. *Welcomes* the continuing activities of the United Nations Development Programme in the Gali, Ochamchira and Tkvarcheli districts and the opening of offices by the United Nations Development Programme in Sukhumi and Gali;

21. *Urges* the parties once again to implement the recommendations of the joint assessment mission of November 2000 to the Gali sector, regrets that there has been no progress to that effect despite the positive consideration by the parties given to those recommendations in the first Geneva meeting, and calls again upon the Abkhaz side to agree to the opening as soon as possible of the Gali branch of the human rights office in Sukhumi and to provide security conditions for its unhindered functioning;

22. *Reiterates its concern* that despite the start of the deployment of a civilian police component as part of the Mission, as endorsed in resolution 1494(2003) of 30 July 2003 and agreed upon by the parties, the deployment of the remaining officers in the Gali sector is still outstanding, and calls upon the Abkhaz side to allow for a swift deployment of the police component in that region;

23. *Calls in particular upon* the Abkhaz side to improve law enforcement protection of the local population and to address the lack of instruction in their mother tongue for the ethnic Georgian population;

24. *Welcomes* the measures taken by the Georgian side to put an end to the activities of illegal armed groups, and encourages the maintenance of these efforts;

25. *Condemns* any violations of the provisions of the Agreement on a Ceasefire and Separation of Forces signed in Moscow on 14 May 1994;

26. *Welcomes* the continuing relative calm in the Kodori Valley, and condemns the continuing criminal activities, including killings and abductions of civilians, in the Gali and Zugdidi districts;

27. *Urges* the parties to abide by the provisions of the protocols on security issues in the Gali district signed on 8 October 2003 and 19 January 2004, to continue their regular meetings and to cooperate more closely with each other to improve security in the Gali sector, and takes note of the resumption of Abkhaz participation in the quadripartite meetings and the Joint Investigation Group;

28. *Reiterates its call upon* the Georgian side to provide comprehensive security guarantees to allow for independent and regular monitoring of the situation in the upper Kodori Valley by joint patrols of the Mission and the peacekeeping force of the Commonwealth of Independent States;

29. *Underlines* the fact that it is the primary responsibility of both sides to provide appropriate security and to ensure the freedom of movement of the Mission, the collective peacekeeping force and other international personnel, and calls upon both sides to fulfil their obligations in this regard;

30. *Strongly condemns*, in that respect, the repeated abductions of personnel of those missions in the past, deeply deplores the fact that none of the perpetrators have ever been identified or brought to justice, reiterates that it is the responsibility of the parties to end this impunity, and calls upon them to take action;

31. *Calls upon* the parties, once again, to take all necessary steps to identify those responsible for the shooting down of a Mission helicopter on 8 October 2001, to bring them to justice, and to inform the Special Representative of the steps taken in particular in the criminal investigation;

32. *Welcomes* the efforts being undertaken by the Mission to implement the zero-tolerance policy of the Secretary-General on sexual exploitation and abuse and to ensure full compliance of its personnel with the United Nations code of conduct, requests the Secretary-General to continue to take all necessary action in this regard and to keep the Security Council informed, and urges troop-contributing countries to take appropriate preventive action, including the conduct of predeployment awareness training, and to take disciplinary action and other action to ensure full accountability in cases of such conduct involving their personnel;

33. *Decides* to extend the mandate of the Mission for a new period terminating on 31 January 2006, subject to a review, as appropriate, of its mandate by the Council in the event of changes in the mandate of the collective peacekeeping force;

34. *Requests* the Secretary-General to continue to keep the Council regularly informed and to report three months from the date of the adoption of the present resolution on the situation in Abkhazia, Georgia;

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

Communication. In identical letters of 23 September [A/60/379-S/2005/606], Georgia brought to the attention of the Secretary-General and the Council President the celebration by the Tskhinvali separatist authorities, on 20 September, of the “independence” of the self-proclaimed republic of South Ossetia. It said that the presence of representatives of the separatist regimes of Abkhazia, Transnistria and Nagorno Karabakh (Azerbaijan), as well as of the State Duma of the Russian Federation was a flagrant violation of universally recognized norms and principles.

Report of Secretary-General (October). In his October report [S/2005/657] on the situation in Abkhazia, Georgia, the Secretary-General stated

that his Special Representative, in her continuing dialogue with the two sides of the Georgian/Abkhaz conflict and with the Group of Friends, focused on the issue of security guarantees. A planned meeting of 22 July with the two sides was postponed after Abkhazia protested the detention of a cargo vessel en route to Sukhumi by the Georgian Navy on 3 July, for violating Georgian maritime space. The ship was released by the Georgian authorities on 31 July and transported with UNOMIG’s assistance to Sukhumi, following the Special Representative’s intervention. At the meeting, which was subsequently held on 4 August with the participation of the Group of Friends and OSCE, the two sides agreed on the need to reconfirm their commitment to the non-resumption of hostilities and for the safe and dignified return of internally displaced persons and refugees to the Gali district, in the light of the change of their respective leadership. They also discussed a draft joint document on the non-resumption of hostilities, and confirmed their readiness to accept the UNHCR proposals (see p. 482) on the return and registration of refugees to the Gali district. Maritime security issues were also addressed and the two sides agreed to continue discussions on the subject and to submit their views and proposals to UNOMIG before the next meeting which was to be held in October. On 10 August, the Tbilisi-based Ambassadors of the Group of Friends visited Sukhumi to discuss the results of the meeting on security guarantees and to encourage the Abkhaz leadership to engage meaningfully in the priority areas of the peace process.

The so-called Sochi working group on the rehabilitation of the Sochi-Tbilisi railway held follow-up meetings in Tbilisi and Sukhumi on 11 and 19 July, respectively, to discuss further the modalities of a technical survey, which began on 10 August by Russian and Abkhaz specialists. As a result of problems relating to their immigration status, Georgian experts were only able to join them in October. At the October meeting (6-7 October) of the working group on the return of internally displaced persons and refugees, the parties endorsed, in principle, the UNHCR approach to the return of refugees and internally displaced persons and planned activities for the next two years, and discussed modalities for the registration of returnees to Gali and the issue of the language of instruction in schools there.

In other developments, Georgia protested the large-scale Abkhaz military exercises held from 15 to 19 August, while the Abkhaz side continued to question Tbilisi’s intentions to seek closer relations with the Russian Federation. On 11 October, the Georgian Parliament adopted a resolu-

tion on the possible withdrawal of peacekeeping forces from the Georgian-South Ossetian and Georgian-Abkhaz conflict zones in 2006. During the reporting period, UNOMIG reported three violations of the 1994 Moscow Agreement on the Abkhaz side of the ceasefire line. Two cases related to restrictions placed on the movement of UNOMIG patrols by Abkhaz soldiers on 16 July and 2 August and the third to the presence of 6 Abkhaz tanks and several artillery pieces in the restricted weapons zone during a military exercise.

Communications. On 27 October [S/2005/678], Georgia noted the positive developments in the conflict-resolution process, as outlined in the Secretary-General's report (see above), but stressed that those developments were marred by the largest Abkhaz post-war military exercise held in the zone of responsibility of the Russian peacekeeping force. It also drew attention to the unresolved issues of the establishment of a UNOMIG human rights sub-office in Gali, the full deployment of its civilian police and the banning of instruction in the Georgian language in Gali schools.

Georgia also stated that the role of the Russian-led peacekeeping operation had been exhausted and called for a full-scale international UN-led peacekeeping operation. It also drew attention to the Georgian-South Ossetian peace plan announced by the Georgian Prime Minister on 26 October [A/60/547].

In identical letters of 9 November [A/60/552, S/2005/718] addressed to the Secretary-General and the Council President, Georgia transmitted an 11 October resolution adopted by its Parliament, which gave a negative assessment of the operations of the peacekeeping forces in Abkhazia and South Ossetia and seriously questioned its mandate, and instructed the Government to intensify negotiations with the Russian Federation, international organizations and interested countries on the fulfilment of obligations undertaken by those forces in Abkhazia and to report by 1 July 2006. If the assessment proved negative, it would demand a cessation of the operation and the withdrawal of Russian peacekeeping forces. The Government was also to submit a peace plan for Abkhazia by 1 May 2006.

Further report of Secretary-General. In a report covering developments on the situation in Abkhazia, Georgia, during late 2005 [S/2006/19], the Secretary-General stated that his Special Representative's contacts with the Group of Friends, the Russian Federation and the two sides were centred on the draft documents on the non-resumption of hostilities and the safe and dignified return of internally displaced persons. She

convened meetings (6-7 December) in Sukhumi between the Georgian State Minister for Conflict Resolution and Abkhazia's de facto Foreign Minister, during which an understanding was reached on those documents, with both sides undertaking to secure their approval and signature. Georgian President Saakashvili reiterated his readiness to discuss without preconditions economic, humanitarian, confidence-building and security issues and to possibly sign the joint documents. The de facto Abkhaz President did not exclude the likelihood of such a meeting after a document on the non-resumption of hostilities had been initialled by the sides.

At its first meeting (Sukhumi, Georgia, 6 December), the Steering Committee for the rehabilitation programme in the conflict zone launched the first phase of the programme at an estimated cost of 4 million euros, thereby opening a new chapter in the economic dimension of the peace process. The two-year joint programme, financed by the European Commission and implemented by UNOMIG and the United Nations Development Programme (UNDP), aimed at improving the living conditions of the local population most affected by the conflict through the restoration of basic services, building confidence and enhancing security and stability in the area.

The Special Representative also facilitated a visit to Georgia from 21 to 24 December (see p. 870) by the Secretary-General's Representative on the human rights of internally displaced persons, who discussed with the Georgian and the de facto Abkhaz authorities ways to enhance the human rights of displaced persons in the zone of conflict.

On 19 November, the Secretary-General met with the Georgian President in Tbilisi and reiterated the UN's commitment to work closely with both sides and with the Group of Friends in search of a peaceful settlement to the conflict.

Those developments took place against the backdrop of an increasingly difficult and complex situation on the ground. The Georgian side called upon the international community to condemn human rights violations committed by the de facto Abkhaz authority and the lack of action by the CIS peacekeeping forces. Meanwhile, the promulgation of a new de facto law on Abkhaz citizenship raised concerns of the local Georgian population that those wishing to remain in Abkhazia would be forced to renounce their Georgian citizenship. The conscription of ethnic Georgians into the Abkhaz military created further tensions between both sides. Georgia protested those actions as attempts to establish a fait accompli prior to a comprehensive settlement of the conflict. The Abkhaz side responded that the

escalated tension resulted from the activities of Georgian partisan groups, cross-ceasefire criminal elements and incorrect media reports. They also raised concerns over Georgia's increased military expenditure and the modernization of its armed forces, including the establishment of a military base in Senaki near the Zugdidi restricted weapons zone. The Special Representative discussed with both sides the new de facto Abkhaz law on citizenship and Georgian parliamentary action (see above) on the withdrawal of the CIS peacekeeping force from the conflict zone.

Situation on the ground

Kodori Valley

In early 2005, UNOMIG patrols in the Kodori Valley—the upper part of which was controlled by Georgia and the lower part by the de facto Abkhaz authorities—which were suspended because of inadequate security from both sides, resumed. UNOMIG conducted joint patrols with the CIS peacekeeping force in the lower part of the valley to assess the damage to the main road due to flooding and to monitor the situation on the ground. In December, UNOMIG engineers, with the CIS force, jointly repaired the road.

During the year, UNOMIG also continued to review the feasibility of resuming regular patrols in the upper valley and continued negotiations with the Georgian side to secure adequate security in that regard.

The Mission's patrolling capacity was greatly improved by the donation of two vehicles by the Swiss Government.

Gali and Zugdidi sectors

The overall military situation in the Gali sector was generally calm, but there was an increase in criminal activities throughout 2005. The de facto Abkhaz State Security Service increased its presence in the security zone by establishing three additional temporary posts that were later removed. In May and June, several incidents between the local population and Abkhaz armed personnel, including the forced removal of between 25 and 30 young men from the village of Okumi by Abkhaz military recruitment authorities, significantly increased tension in the area.

On 18 June, two UNOMIG patrol teams were robbed by armed gunmen, forcing UNOMIG to increase its security level in the lower Gali sector. In late 2005, violent attacks increased significantly, including the targeting of a de facto Abkhaz taxation representative and a de facto head of administration on 27 November and 18 Decem-

ber, respectively, the detonation of remotely controlled explosives, and the killing of the de facto Abkhaz chief of security of the Inguri hydro power station on 11 December. Criminal incidents, including smuggling, increased during the year. On 30 January, Georgian police were ambushed during an anti-smuggling operation and on 4 June Georgian police exchanged fire with a group of smugglers from the Abkhaz-controlled side of the ceasefire line.

A Georgian Interior Ministry special-purpose unit deployed near the ceasefire line detained four CIS peacekeeping soldiers on 21 March, who, according to Georgian officers, lacked clearly marked CIS insignia. They were released the same day after their identity was confirmed. The following day, the CIS peacekeeping force temporarily surrounded the headquarters of the Georgian unit and opposed their deployment in close proximity to the ceasefire line. UNOMIG officials mediated a meeting between the Georgian State Minister for Conflict Resolution and the Commander of the CIS peacekeeping force, which agreed that a joint fact-finding group would examine the situation. Subsequent discussions by the Joint Fact-Finding Group resulted in the Georgian unit being moved 150 metres away from the ceasefire line. Relations between the CIS peacekeeping force and the Georgian side were strained further by political tensions, resulting in several demonstrations against the force at its headquarters and at the main Inguri River bridge.

Humanitarian situation and human rights

United Nations agencies, international and non-governmental organizations (NGOs) continued to assist vulnerable groups affected by the conflict in Abkhazia, Georgia, by providing food, medical aid and infrastructure assistance, building capacities of local organizations, developing peace education, empowering women and creating economic opportunities. On 30 September, the Special Representative, the Head of the European Commission delegation to Georgia and Armenia and the UNDP Resident Representative in Georgia signed a memorandum of understanding on the funding and implementation of a programme for the Gali, Tkvarcheli, Ochamchira and Zugdidi districts, the first phase of which would focus on rehabilitation projects in the health and infrastructure sectors. UNDP, with funds provided by the European Commission and Norway, facilitated income generation through agriculture and the rehabilitation of drinking water and irrigation systems. UNHCR, in partnership with other organizations, launched confidence-building measures containing both

protection and assistance activities, while the United Nations Children's Fund continued to provide rehabilitated schools with student and teacher supplies, as well as vaccines, immunization equipment and essential drugs, maternity, surgical and emergency health equipment to Abkhaz hospitals. The United Nations Development Fund for Women assisted in raising awareness about gender-based violence and reproductive health and promoted support for women's legal rights. The World Food Programme promoted community-based food-for-work activities, focusing on the rehabilitation of basic agricultural infrastructure and the upgrading of livelihoods of poor households through improved land use and assets.

UNOMIG continued to implement the programme for the protection and promotion of human rights in Abkhazia, Georgia. The human rights office in Sukhumi collected information from victims, witnesses and other reliable sources and followed up on cases related to due process, citizenship, arbitrary detention, treatment of detainees, impunity, involuntary disappearances, arbitrary evictions and property rights violations. The office continued to conduct regular visits to detention facilities, provide legal advisory services to the local population and monitor court trials. The de facto Abkhaz authorities still had not agreed to allow the Mission to open a human rights sub-office in the Gali district.

UNOMIG facilitated the first visit (19 and 20 February) to Sukhumi by the Special Rapporteur of the Commission on Human Rights on torture and other cruel, inhuman or degrading treatment or punishment (see p. 813). The office followed up with local residents and Abkhaz authorities on several alleged cases of involuntary disappearance, religious intolerance and ill-treatment in detention. Cases of denied access to detainees and the reluctance of the de facto authorities to cooperate with the office were registered. Together with local NGOs, the office commenced implementation of an Abkhazia-wide human rights programme, funded by Switzerland. In the Sukhumi militia training centre, UNOMIG staff and police advisers conducted a seven-week training course in human rights and law enforcement.

Financing

The General Assembly considered the UNOMIG financial performance report for the period from 1 July 2003 to 30 June 2004 [A/59/622], the Mission's budget for the period from 1 July 2005 to 30 June 2006 [A/59/634], and ACABQ's related comments and recommendations thereon [A/59/736/Add.17].

On 22 June [meeting 104], the Assembly, on the recommendation of the Fifth Committee [A/59/834], adopted **resolution 59/304** without vote [agenda item 131].

Financing of the United Nations Observer Mission in Georgia

The General Assembly,

Having considered the reports of the Secretary-General on the financing of the United Nations Observer Mission in Georgia and the related reports of the Advisory Committee on Administrative and Budgetary Questions,

Recalling Security Council resolution 854(1993) of 6 August 1993, by which the Council approved the deployment of an advance team of up to ten United Nations military observers for a period of three months and the incorporation of the advance team into a United Nations observer mission if such a mission was formally established by the Council,

Recalling also Security Council resolution 858(1993) of 24 August 1993, by which the Council established the United Nations Observer Mission in Georgia, and the subsequent resolutions by which the Council extended the mandate of the Observer Mission, the latest of which was resolution 1582(2005) of 28 January 2005,

Recalling further its decision 48/475 A of 23 December 1993 on the financing of the Observer Mission and its subsequent resolutions and decisions thereon, the latest of which was resolution 58/303 of 18 June 2004,

Reaffirming the general principles underlying the financing of United Nations peacekeeping operations, as stated in General Assembly resolutions 1874(S-IV) of 27 June 1963, 3101(XXVIII) of 11 December 1973 and 55/235 of 23 December 2000,

Mindful of the fact that it is essential to provide the Observer Mission with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. *Requests* the Secretary-General to entrust the Head of Mission with the task of formulating future budget proposals in full accordance with the provisions of General Assembly resolution 59/296 of 22 June 2005, as well as other relevant resolutions;

2. *Takes note* of the status of contributions to the United Nations Observer Mission in Georgia as at 15 April 2005, including the contributions outstanding in the amount of 11 million United States dollars, representing some 4 per cent of the total assessed contributions, notes with concern that only thirty-four Member States have paid their assessed contributions in full, and urges all other Member States, in particular those in arrears, to ensure payment of their outstanding assessed contributions;

3. *Expresses its appreciation* to those Member States which have paid their assessed contributions in full, and urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the Observer Mission in full;

4. *Expresses concern* at the delay experienced by the Secretary-General in deploying and providing adequate resources to some recent peacekeeping missions, in particular those in Africa;

5. *Emphasizes* that all future and existing peacekeeping missions shall be given equal and non-

discriminatory treatment in respect of financial and administrative arrangements;

6. *Also emphasizes* that all peacekeeping missions shall be provided with adequate resources for the effective and efficient discharge of their respective mandates;

7. *Reiterates its request* to the Secretary-General to make the fullest possible use of facilities and equipment at the United Nations Logistics Base at Brindisi, Italy, in order to minimize the costs of procurement for the Observer Mission;

8. *Endorses* the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions, and requests the Secretary-General to ensure their full implementation;

9. *Requests* the Secretary-General to ensure the full implementation of the relevant provisions of its resolution 59/296;

10. *Also requests* the Secretary-General to take all action necessary to ensure that the Observer Mission is administered with a maximum of efficiency and economy;

11. *Further requests* the Secretary-General, in order to reduce the cost of employing General Service staff, to continue efforts to recruit local staff for the Observer Mission against General Service posts, commensurate with the requirements of the Mission;

Financial performance report for the period from 1 July 2003 to 30 June 2004

12. *Takes note* of the report of the Secretary-General on the financial performance of the Observer Mission for the period from 1 July 2003 to 30 June 2004;

Budget estimates for the period from 1 July 2005 to 30 June 2006

13. *Decides* to appropriate to the Special Account for the United Nations Observer Mission in Georgia the amount of 36,380,000 dollars for the period from 1 July 2005 to 30 June 2006, inclusive of 34,562,100 dollars for the maintenance of the Observer Mission, 1,486,500 dollars for the support account for peacekeeping operations and 331,400 dollars for the United Nations Logistics Base;

Financing of the appropriation

14. *Decides also* to apportion among Member States the amount of 3,031,667 dollars for the period from 1 to 31 July 2005, in accordance with the levels updated in General Assembly resolution 58/256 of 23 December 2003, and taking into account the scale of assessments for 2005, as set out in its resolution 58/1 B of 23 December 2003;

15. *Decides further* that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 14 above, their respective share in the Tax Equalization Fund of 207,575 dollars, comprising the estimated staff assessment income of 187,833 dollars approved for the Observer Mission, the prorated share of 17,508 dollars of the estimated staff assessment income approved for the support account and the prorated share of 2,234 dollars of the estimated staff assessment income approved for the United Nations Logistics Base;

16. *Decides* to apportion among Member States the amount of 33,348,333 dollars for the period from 1 August 2005 to 30 June 2006 at a monthly rate of 3,031,666 dollars, in accordance with the levels updated in General Assembly resolution 58/256, and taking into account the scale of assessments for 2005 and 2006, as set out in its resolution 58/1 B, subject to a decision of the Security Council to extend the mandate of the Observer Mission;

17. *Decides also* that, in accordance with the provisions of its resolution 973(X), there shall be set off against the apportionment among Member States, as provided for in paragraph 16 above, their respective share in the Tax Equalization Fund of 2,283,325 dollars, comprising the estimated staff assessment income of 2,066,167 dollars approved for the Observer Mission, the prorated share of 192,592 dollars of the estimated staff assessment income approved for the support account and the prorated share of 24,566 dollars of the estimated staff assessment income approved for the United Nations Logistics Base;

18. *Decides further* that, for Member States that have fulfilled their financial obligations to the Observer Mission, there shall be set off against their apportionment, as provided for in paragraphs 14 and 16 above, their respective share of the unencumbered balance and other income in the amount of 1,104,100 dollars in respect of the financial period ended 30 June 2004, in accordance with the levels updated in General Assembly resolution 58/256, and taking into account the scale of assessments for 2004, as set out in its resolution 58/1 B;

19. *Decides* that, for Member States that have not fulfilled their financial obligations to the Observer Mission, there shall be set off against their outstanding obligations their respective share of the unencumbered balance and other income in the total amount of 1,104,100 dollars in respect of the financial period ended 30 June 2004, in accordance with the scheme set out in paragraph 18 above;

20. *Decides also* that the increase of 179,600 dollars in the estimated staff assessment income in respect of the financial period ended 30 June 2004 shall be added to the credits from the amount of 1,104,100 dollars referred to in paragraphs 18 and 19 above;

21. *Emphasizes* that no peacekeeping mission shall be financed by borrowing funds from other active peacekeeping missions;

22. *Encourages* the Secretary-General to continue to take additional measures to ensure the safety and security of all personnel under the auspices of the United Nations participating in the Observer Mission, bearing in mind paragraphs 5 and 6 of Security Council resolution 1502(2003) of 26 August 2003;

23. *Invites* voluntary contributions to the Observer Mission in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure and practices established by the General Assembly;

24. *Decides* to include in the provisional agenda of its sixtieth session the item entitled "Financing of the United Nations Observer Mission in Georgia".

Armenia and Azerbaijan

In 2005, the Organization for Security and Co-operation in Europe (OSCE) Minsk Group (France, Russian Federation, United States) continued to mediate the dispute between Armenia and Azerbaijan, which had erupted in armed conflict in 1992 [YUN 1992, p. 388], after four years of sporadic fighting in the Nagorny Karabakh region of Azerbaijan. There was no change in the position of either country with regard to the conflict during the year. Both sides continued to address communications to the Secretary-General, clarifying their positions regarding the conflict or lodging complaints against the actions of the other. Nagorny Karabakh's communications were transmitted by Armenia.

The General Assembly, by **decision 59/571** of 12 September, decided to defer consideration of the item entitled "The situation in the occupied territories of Azerbaijan" and to include it in the agenda of its sixtieth (2005) session.

Communications. On 2 February [A/59/689-S/2005/64], Azerbaijan transmitted to the Secretary-General two resolutions adopted on 25 January by the Parliamentary Assembly of the Council of Europe regretting that, after more than a decade, the Nagorny Karabakh conflict remained unresolved and calling on the OSCE Minsk Group Co-Chairs to take immediate steps to negotiate a political settlement and on the parties to submit to each other, through the Minsk Group, constructive proposals for the peaceful settlement of the conflict. Should negotiations fail, Armenia and Azerbaijan should consider submitting them to the International Court of Justice, in accordance with Article 36, paragraph 1 of the Court's statute. The two countries should also foster political reconciliation by increasing inter-parliamentary cooperation and the Secretary-General of the Council should draw up an action plan for specific support to the two countries targeted at mutual reconciliation processes.

On 24 February [A/59/713-S/2005/125], Azerbaijan transmitted to the Secretary-General an appeal of refugees from Khodzaly to the United Nations, the Council of Europe and OSCE, to bring the truth of the genocide of February 1992 [YUN 1992, p. 388] to the attention of the world community and to call for a legal-political assessment of that crime. In its letter of transmittal, Azerbaijan regretted that, on the occasion of the thirteenth anniversary of that incident, the international community's response remained inadequate, a fact, it said, was noted by Congressman Dan Burton on 17 February in the United States House of Representatives. In a fur-

ther letter of 28 February [A/59/720-S/2005/132 & Corr.1], Azerbaijan transmitted to the Secretary-General video films witnessing the Government-supported transfer of Armenians from Yerevan to the occupied Lachin region of Azerbaijan and satellite images of the occupied territories of Azerbaijan. Hard copies of the images were also attached to the letter.

For its part, Armenia, on 7 March [A/59/729-S/2005/145] said that Azerbaijan's actions had threatened the peace process and the relative stability established. Armenia had demonstrated its willingness and readiness to cooperate and to work towards finding a lasting solution to the Nagorny Karabakh conflict, which was possible only through a reduction in tension and discontinuation of hate propaganda. On 8 March [A/59/743-S/2005/184], Armenia refuted Azerbaijan's version of the 1992 incident contained in its February 24 letter (see above), reaffirming that its armed forces had no involvement in the 1992 incident and citing Azerbaijani accounts annexed to the letter to support its contention that the incident was part of Azerbaijan's internal power struggle. On 15 March [A/59/740-S/2005/171], Armenia forwarded to the Secretary-General an 8 March press statement issued by the Ministry of Defence of Nagorny Karabakh, informing of an attempt by an Azerbaijani intelligence-diversionary group to penetrate the rear of the army of Nagorny Karabakh in the north-east section of the contact line near Seysulan, in the Martakert region of Nagorny Karabakh. The statement appealed to Azerbaijan to strictly follow the ceasefire regime and not to threaten peace and security in the region.

Report of OSCE fact-finding mission. The Co-Chairs of OSCE Minsk Group went on a fact-finding mission (31 January-5 February) to the occupied territories of Azerbaijan surrounding Nagorny Karabakh. The mission, first proposed by Azerbaijan in a 1994 draft resolution in the General Assembly, was agreed to by the parties following a series of discussions organized by the Minsk Group Co-Chairs between the Foreign Ministers of Azerbaijan and Armenia. The Mission found evidence of the presence of settlers in the territories examined, but did not determine that such settlements resulted from a deliberate policy by Armenia. While there was evidence of varying degrees of support by the Nagorny Karabakh authorities to settlers in some regions, the Co-Chairs did not assess the extent to which there was coordination between the Government of Armenia and the Nagorny Karabakh authorities, who stated that they did indeed encourage settlements in Lachin (or Berdzor in Armenian maps), located in the narrow strip of territory between Nagorny Karabakh and Armenia. The Co-

Chairs noted that Lachin had been treated as a separate case in previous negotiations.

The Co-Chairs concluded that there was little disagreement between the two sides on the number of settlers and the nature of the settlements, but they did disagree on the question of government sponsorship and the place of origin of the settlers. The areas in question had undergone complete destruction and any settlement allowing the return of internally displaced persons and refugees would require substantial international assistance for reconstruction of shelter and infrastructure. Although most settlers expressed the desire to return to the areas from which they had fled, it was clear that the longer they remained in the occupied territories, the deeper their roots and attachment became. Prolonged continuation of the situation could lead to a *fait accompli* that could seriously complicate the peace process.

The Co-Chairs recommended that further settlement of the occupied territories be discouraged and urged the parties, as part of negotiations towards a political settlement, to address the problem of settlers and to avoid changes in the region's demographic structure. Relevant international agencies should re-evaluate the needs and funding assessments in the region for resettlement purposes. The Co-Chairs urged the parties to allow direct contact between interested communities as a way of ensuring the preservation of the cultural heritage and sacred sites of the affected regions, to develop practical confidence-building measures between the parties and the communities and to work with their public to prepare the groundwork for a peaceful settlement.

The report of the Co-chairs of the Minsk Group Fact-Finding Mission, together with the letter of transmittal to the OSCE Permanent Council, was transmitted to the Secretary-General by Armenia [A/59/742-S/2005/182] and Azerbaijan [A/59/747-S/2005/187] on 16 and 18 March, respectively.

EU statement. On 4 April [S/2005/246], Luxembourg forwarded to the Secretary-General a 30 March statement issued by the EU Presidency welcoming Azerbaijan's decree of 20 March pardoning 115 prisoners, 53 of whom were designated "political prisoners" by Council of Europe experts. It also expressed concern about the remaining political prisoners and called for their immediate release.

Cyprus

In 2005, the Cyprus problem remained unresolved, following the disappointing result in 2004

of the Secretary-General's mission of good offices, and little prospect of negotiations restarting in the near future. The Secretary-General continued to closely monitor the situation and dispatched a high-level UN official in May and June to Cyprus to assess whether the climate was conducive to a renewal of his mission of good offices. After consultations with both parties and with Greece and Turkey, the Secretary-General determined that progress was negligible at best and the conditions surrounding a resumption of negotiations needed to be further clarified. Despite the call by the parties for the resumption of those negotiations, the Secretary-General considered doing so inopportune. Meanwhile, the military situation on the island remained stable with only a few minor disturbances and small, unsuccessful attempts by each side to alter the status quo. The United Nations Peacekeeping Force in Cyprus (UNFICYP) implemented a new concept of operations in February, which included a reduction of the Mission's military component and the introduction of a more mobile framework. The Secretary-General recommended that the Security Council extend UNFICYP's mandate, as revised, until June 2006.

Incidents and position statements

Communications. Throughout 2005, the Secretary-General received letters from the Government of Cyprus and from the Turkish Cypriot authorities containing charges and countercharges, protests and accusations, and explanations of positions regarding the question of Cyprus. Letters from the "Turkish Republic of Northern Cyprus" were transmitted by Turkey.

In communications dated between 7 January and 16 November, Cyprus reported violations of its national airspace and unauthorized intrusion into Nicosia's flight information region by Turkish military jets and civilian aircraft, while those from the "Turkish Republic of Northern Cyprus" claimed the existence of two independent States on the island of Cyprus and that the flights mentioned took place within the sovereign airspace of the "Turkish Republic of Northern Cyprus" [A/59/696-S/2005/75, A/59/755-S/2005/205, A/59/804-S/2005/319, A/59/815-S/2005/349, A/59/892-S/2005/510, A/59/903-S/2005/547, A/60/381-S/2005/607, A/60/411-S/2005/618, A/60/434-S/2005/654, A/60/445-S/2005/670, A/60/554-S/200/714, A/60/564-S/2005/733].

In other communications, the "Turkish Republic of Northern Cyprus" authorities objected strongly to the mistreatment of Turkish Cypriots visiting the southern portion of the island, which they claimed was the result of a rising trend of racism, chauvinism and ultra-nationalism among the Greek Cypriots. They also objected to the de-

cision by the Greek Cypriot Government to declare 2005 “The Year for Remembrance and Honouring of EOKA Liberation Struggle”, a right-wing nationalist group that supported the complete annexation of the island to Greece [A/59/760-S/2005/214, A/60/442-S/2005/666, A/60/557-S/2005/721].

Cyprus brought to the attention of the Secretary-General on 8 April a decision by the European Court of Human Rights concerning property rights in Cyprus, which rejected Turkey’s objections on jurisdiction of a Greek Cypriot’s property claim in the northern area of the island and considered that the remedies established to compensate losses in the “Turkish Republic of Northern Cyprus” could not be regarded as “effective” or “adequate” means for redressing the applicant’s complaints [A/59/777-S/2005/234]. The “Turkish Republic of Northern Cyprus”, in a 31 May response [A/59/821-S/2005/358], noted that the Court’s decision was preliminary, based on admissibility, and recounted that the “Comprehensive Settlement of the Cyprus Problem” [YUN 2004, p. 438] provided for the establishment of a property board, and recognized that the situation was too complicated to be settled by individual application to the Court. It emphasized that the property issue in Cyprus needed a political solution.

In a 14 June letter [A/59/846-S/2005/387], Cyprus alerted the Secretary-General to the Turkish military actions to reinforce its presence in the northern part of the island, which were refuted, on 28 June [A/59/866-S/2005/439], by the “Turkish Republic of Northern Cyprus”. Other letters related to claims by Cyprus of the destruction of cultural heritage [A/60/404-S/2005/622], disturbing statements reportedly made by the Commander of land forces of the Turkish army during his January visit to the occupied areas of Cyprus [A/59/699-S/2005/85], Cyprus’s response to Turkish Cypriot claims of racism, chauvinism and ultranationalism (see above) [A/60/558-S/2005/722], violations of the military status quo by the Turkish occupation forces [A/60/446-S/2005/675], and statements reportedly made by the de facto Turkish Cypriot leader concerning the latest efforts to resolve the Cyprus problem [A/59/899-S/2005/537].

Letters from the “Turkish Republic of Northern Cyprus” refuted distortions and misinformation regarding the intentions of the de facto Turkish Cypriot leadership [A/60/375-S/2005/601], and contained accusations relating to the Greek Cypriot policy of the continuation of the usurped “Republic of Cyprus” and its goal of extending its authority to northern Cyprus [A/59/906-S/2005/538].

Good offices mission

In 2005, the overall situation in Cyprus remained stable. Official contacts between the Greek Cypriot and the Turkish Cypriot sides, which had ceased since the April 2004 referenda [YUN 2004, p. 440] on the “Comprehensive Settlement of the Cyprus Problem” [ibid., p. 438], had not resumed and there was little sign of an improvement in relations. Differences on core issues of the Cyprus problem were evident during the regular monthly meetings of the political leaders of the two sides, and separate meetings with leaders of political parties of both sides produced no tangible results beyond general declarations of support for a just settlement. However, on 9 May, the Secretary-General held informal consultations with the President of Cyprus, Tassos Papadopoulos, and Turkey’s Prime Minister, Recep Tayyip Erdogan. Subsequently, the Under-Secretary-General for Political Affairs, held preliminary discussions in New York (16-20 May) with a Greek Cypriot delegation to explore the possibility of resuming negotiations. At the Secretary-General’s request, the Under-Secretary-General also held consultations in Cyprus, Greece and Turkey between 30 May and 7 June to seek their respective views on the UN’s role in the current circumstances.

Security Council consideration. In his briefing to the Security Council on 22 June [meeting 5211] on the results of those discussions, the Under-Secretary-General reported that Mr. Papadopoulos, while expressing his eagerness for negotiations to resume under the auspices of the Secretary-General, cautioned that they should be carefully prepared but not open-ended, with no deadlines and no arbitration of important issues by the United Nations or any other third party, and that only a settlement agreed by the parties should be submitted to referendum. He believed that future negotiations would be successful only if the Turkish Cypriot side and Turkey were prepared to meet outstanding Greek Cypriot concerns during those negotiations, which included areas of governance, security, citizenship, residency, property, territory, economic and financial issues, transition periods and guarantees of implementation. The Under-Secretary-General indicated to him that, while the United Nations understood those concerns, their breadth and depth might be daunting for the other side, and advised that he produce a list of focused, finite, manageable and prioritized proposals, which he declined to do.

The Turkish Cypriot leader, Mehmet Ali Talat, also wanted negotiations under the auspices of the Secretary-General to resume as soon as possible, based on the Comprehensive Settle-

ment, but with clear time limits for negotiations, since he was concerned that talks might drag on indefinitely. His concerns related to territory, property, resettlement of Turkish Cypriots, financing and guarantees against usurpation of the settlement arrangement by either side. He expressed his disappointment at the failure of the Council and the international community to react to the Secretary-General's May 2004 good offices report [ibid., p. 440] describing the negotiating process and assessing its outcome, and the lack of action to help ease the unjustifiable isolation and punishment of the Turkish Cypriots. Mr. Talat regarded the Greek Cypriot concerns as unacceptable and outside the parameters of the Comprehensive Settlement.

The Under-Secretary-General, in his conclusions, noted the acceptance by the parties that negotiations should resume on the basis of the Comprehensive Settlement, the wide gap between their stated positions, and the low level of confidence between them. He suggested that a prioritized and exhaustive list of concrete proposals for further negotiations would be an important advance in the process. However, while the persistence of the status quo on the island was unacceptable, launching an intensive new process prematurely would be inadvisable. The Secretary-General, therefore, intended to reflect on the future of his mission of good offices, taking into account the Council's reaction and developments on the ground, particularly the evolving positions of the respective parties.

Statement by President of Cyprus. On 18 September [meeting 11], the Cyprus President, in his address during the General Assembly's general debate, said that the Comprehensive Settlement was rejected because it did not provide for and could not bring about the reunification of the country, its society and institutions. However, since the 2004 referenda, the priority had been on revisiting the content, product and shortcomings of the last negotiating process and on dispelling certain misconceptions. He declared that, contrary to general opinion, the Secretary-General's mandate for the good offices mission had not ended but had entered a new phase. It was an ongoing and sustained process, through which a negotiated settlement could be brokered without arbitration and deadlines. Cyprus remained committed to holding those negotiations under UN auspices and to creating conditions for making them fruitful. In that context, Cyprus had been implementing substantial practical measures to build confidence and promote the economic development of the Turkish Cypriots, with the hope of making progress on other aspects of the Cyprus problem, especially the fate

of missing persons and the welfare of those in the enclaves. The Cyprus problem was at a critical juncture. Revival of the talks required thorough preparation and an honest assessment that the prospect of success was at least credible.

Communication. In a 4 October letter transmitted to the Secretary-General by Turkey [A/60/414-S/2005/628], the "Turkish Republic of Northern Cyprus" refuted the statements made by President Papadopoulos to the Assembly on 18 September. It suggested that the Cypriot President, in asserting that the Comprehensive Settlement was divisive and could not bring about reunification, was implying that the United Nations had somehow finalized a plan that was outside the parameters of the Council's resolution and did not envisage the reunification of the island. Furthermore, the demand for a new UN process, free of arbitration and deadlines, was a recipe for another 40 years of inconclusive negotiations. Lingering Greek Cypriot concerns about security and implementation of the Comprehensive Settlement needed to be articulated with clarity and finality. The Turkish Cypriot people had demonstrated their will and resolution for the reunification of the island in line with international treaties on Cyprus and UN parameters, but they were equally resolute in rejecting a minority status in the island in a Greek-run "Republic of Cyprus".

Report of Secretary-General (November). In his November report on UNFICYP [S/2005/743 & Corr.1], the Secretary-General informed the Council that, in meetings with the Greek Cypriot (16 September) and the Turkish Cypriot (31 October) leaders, supported by Greece and Turkey, both sides had requested him to resume his mission of good offices and to consider holding a new round of negotiations. The Turkish Cypriot leader, Mr. Talat, also raised the issue of ending the isolation of the Turkish Cypriots. However, the Secretary-General advised that the time was not right to resume his mission of good offices, or to appoint a full-time person dedicated to the Cyprus problem, since the conditions surrounding such a resumption required further clarification, but he would continue to dispatch, on an ad hoc basis, senior Secretariat officials to visit Cyprus, Greece and Turkey to assess the situation on the ground.

UNFICYP

In 2005, the United Nations Peacekeeping Force in Cyprus (UNFICYP), established in 1964 [YUN 1964, p. 165], continued to monitor the cease-fire lines between the Turkish and Turkish Cypriot forces on the northern side and the Cypriot

National Guard on the southern side of the island; maintain the military status quo and prevent a recurrence of fighting; and undertake humanitarian and economic activities. In the absence of a formal ceasefire agreement, UNFICYP's task was to judge whether changes in military positions constituted violations of the military status quo, as recorded by the Force in 1974. UNFICYP, under the overall authority of the Secretary-General's Special Representative and Chief of Mission, Zbigniew Wlosowicz (Poland), continued to keep the area between the ceasefire lines, known as the buffer zone, under constant surveillance through a system of observation posts and air, vehicle and foot patrols.

The Secretary-General informed the Security Council on 12 September [S/2005/589] of his intention to appoint Michael Moller (Denmark) to replace Mr. Wlosowicz, whose assignment ended on 30 November, which the Council noted on 15 September [S/2005/590].

As at 31 December, UNFICYP, under the command of Major General Herbert Joaquin Figoli Almandos (Uruguay), comprised 840 troops and 69 civilian police.

Activities

Report of Secretary-General (May). In his May report [S/2005/353] covering UNFICYP activities from 25 September 2004 to 20 May 2005, the Secretary-General indicated that the military security situation in Cyprus remained stable and the overall number of incidents along the ceasefire lines decreased. Since November 2004, over 250,000 square metres of Greek Cypriot National Guard minefields in the buffer zone were cleared and 400 anti-personnel and some 900 anti-tank mines removed. On 19 May, the Turkish Cypriot side lifted restrictions imposed since July 2000 on UNFICYP's movement in the north, thereby enabling the Force to effectively restore operations in and around the buffer zone.

On 7 February, the Force commenced the new concept of operations (concentration with mobility) announced in 2004 [YUN 2004, p. 445], reducing its operational sites from 12 to 4 camps, its permanent observation posts from 17 to 2, and its patrol bases from 21 to 9. Patrols were increased in frequency (from 50 to 200 per day) and extended in duration to prevent operational gaps resulting from the closure of static observation posts. A joint UNFICYP/Headquarters review team visited the island (6-11 May) to assess UNFICYP's restructuring and the implementation of the new concept of operations. The review team found that the changes had allowed UNFICYP to maintain the same level of mandate implementation, while the introduction of a mili-

tary observer and liaison group had increased the emphasis on liaison, observation and mediation rather than on the interposition of forces. The civilian police and civil affairs tasks continued to increase in number and complexity, as had requests from both sides for assistance. Regarding the possibility of further reductions in force strength, the review team concluded that more time and experience was needed to assess the full impact of the new concept before taking decisions in that regard. The Secretary-General, while agreeing with the team's observation, noted that delays in the recruitment and deployment of staff had not allowed the new concept to reach its full potential.

UNFICYP's support of projects in the buffer zone continued, especially in the areas of infrastructure, farming and ecology. It also continued its humanitarian assistance and provided facilities for 57 bicomunal events, bringing together some 2,500 Greek Cypriots and Turkish Cypriots. While the movement of people across the buffer zone was steady, trade was limited by technical and political hurdles. In February, the European Council raised the ceiling on the value of personal goods to 135 euros and expanded the list of personal items and agricultural goods that could be taken across the line. The Turkish Cypriot side took reciprocal action with regard to personal goods.

The European Commission's recommendation of a 259 million euro aid package for the north of the island was yet to be acted upon, for while the Greek Cypriot side supported it, the Turkish Cypriot side agreed to accept it only together with the Commission's recommendation on direct trade between the north of the island and the EU.

Cyprus' EU membership had raised other concerns. In the area of property, it had opened new fronts of litigation and acrimony, with hundreds of Greek Cypriots' claims against Turkey for loss of property rights pending before the European Court of Human Rights. In addition, Greek Cypriots had approached courts in the south for EU arrest warrants against foreigners buying or selling Greek Cypriot property in the north. The prospect of an increase of people-to-people litigation in property cases posed a serious threat to the reconciliation process.

The Secretary-General recommended that the Council extend UNFICYP's mandate until 15 December 2005.

SECURITY COUNCIL ACTION

On 15 June [meeting 5202], the Security Council unanimously adopted **resolution 1604(2005)**.

The draft [S/2005/382] was submitted by the United Kingdom.

The Security Council,

Welcoming the report of the Secretary-General of 27 May 2005 on the United Nations operation in Cyprus,

Reiterating its call to the parties to assess and address the humanitarian issue of missing persons with due urgency and seriousness, and welcoming in this regard the resumption of the activities of the Committee on Missing Persons since August 2004,

Welcoming the Secretary-General's review of the United Nations Peacekeeping Force in Cyprus, pursuant to resolution 1568(2004) of 22 October 2004,

Noting that the Government of Cyprus has agreed that in view of the prevailing conditions on the island it is necessary to keep the Force beyond 15 June 2005,

Taking note of the assessment of the Secretary-General that the security situation on the island continues to be stable and that the situation along the Green Line remains calm, and, nonetheless, that there were problems in a few sensitive areas, and welcoming in this context the further decrease in the overall number of incidents involving the two sides,

Welcoming the Secretary-General's intention to keep the operations of the Force under close review, continuing to take into account developments on the ground and the views of the parties, and to revert to the Council with recommendations for further adjustments as appropriate to the mandate, force levels and concept of operation of the Force once he judges that sufficient time has passed since the implementation of its new concept of operations to make this assessment,

Taking note with satisfaction of the lifting of restrictions of movement of the Force by the Turkish Cypriot side and the Turkish forces, and taking note in this connection that the Force enjoys good cooperation from both sides,

Welcoming the fact that over seven million crossings by Greek Cypriots to the north and Turkish Cypriots to the south have taken place, and encouraging the opening of additional crossing points,

Expressing concern at the increase in crime across the ceasefire line and urging both sides to increase cooperation in order to address this issue,

Welcoming all efforts to promote bicomunal contacts and events, including on the part of the United Nations, and urging the two sides to promote further bicomunal contacts and to remove any obstacles to such contacts,

Echoing the Secretary-General's gratitude to the Government of Cyprus and the Government of Greece for their voluntary contributions to the funding of the Force, and his request for further voluntary contributions from other countries and organizations,

Welcoming and encouraging efforts by the United Nations to sensitize peacekeeping personnel in the prevention and control of HIV/AIDS and other communicable diseases in all its peacekeeping operations,

1. *Reaffirms* all its relevant resolutions on Cyprus, in particular resolution 1251 (1999) of 29 June 1999 and subsequent resolutions;

2. *Decides* to extend the mandate of the United Nations Peacekeeping Force in Cyprus for a further period ending 15 December 2005;

3. *Calls upon* the Turkish Cypriot side and Turkish forces to restore in Strovilia the military status quo which existed there prior to 30 June 2000;

4. *Requests* the Secretary-General to submit a report by 1 December 2005 on the implementation of the present resolution;

5. *Welcomes* the efforts being undertaken by the Force to implement the Secretary-General's zero-tolerance policy on sexual exploitation and abuse and to ensure full compliance of its personnel with the United Nations code of conduct, requests the Secretary-General to continue to take all necessary action in this regard and to keep the Security Council informed, and urges troop-contributing countries to take appropriate preventive action, including the conduct of predeployment awareness training, and to take disciplinary action and other action to ensure full accountability in cases of such conduct involving their personnel;

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

Communication. On 16 August [A/59/897-S/2005/531], the "Turkish Republic of Northern Cyprus", responding to the Secretary-General's report (see p. 494) and the Council's resolution, provided information on what it considered a number of inaccuracies and misrepresentations contained in the report.

Earlier, on 31 May [A/59/820-S/2005/355], the "Turkish Republic of Northern Cyprus" had called for the lifting of all restrictions on the territory and made known its proposals, on 30 May, for reaching a just, durable and comprehensive solution to the Cyprus problem. They included the free movement of people, goods and services to and from the Turkish Cypriot side and between the north and the south; the lifting of all restrictions applied to seaports and airports, including direct flights; the elimination of restrictions regarding third-country nationals; special arrangements for the direct inclusion of the north as an economic entity in the EU's customs union and for the enjoyment of its full benefits by all Turkish Cypriots; and the removal of obstacles that prevented the Turkish Cypriot side from participating in international sports, cultural and other activities.

Cyprus, in a 29 June response [A/59/857-S/2005/422], said that those proposals contravened international law and Council resolutions by attempting to upgrade the status of the illegal entity established by the use of forces in the northern part of Cyprus and elaborate policies for which Turkey had been repeatedly condemned. Over the past two years, the Government of Cyprus had been providing Turkish Cypriots with a generous package of measures, including social benefits, free medical care and employment opportunities. It had also advocated that the 259 million euros earmarked for 2004-2006 by the

European Commission for the Turkish Cypriots, in the event of a Cyprus settlement, be made available to them immediately, and that the number of crossing points for persons and goods at the dividing line be increased.

Report of Secretary-General (November). In a 29 November report on UNFICYP [S/2005/743 & Corr.1], the Secretary-General stated that, although the number of incidents continued to decrease since the implementation of the new concept of operations, a few of them raised significant concerns, especially an incursion by Turkish Forces into the buffer zone in the Louroujina Pocket, the placement of buoys by Turkish Forces close to the western maritime security line, the entry into the buffer zone and the removal of a Turkish flag from a Turkish Cypriot observation post by a Greek Cypriot civilian, and shots fired at UNFICYP personnel by a Greek Cypriot hunter. For the first time since 2001, military exercises were held in November by both the Cypriot National Guard and the Turkish Forces/Turkish Cypriot security forces.

The clearing of mines continued. On 5 August, UNFICYP secured an agreement to begin clearing Turkish minefields in Nicosia and the surrounding areas within the buffer zone. Since May, some 78,132 square metres were cleared and more than 470 anti-personnel and approximately 430 anti-tank mines destroyed.

UNFICYP continued to promote confidence-building activities between the two sides and worked to open more border crossing points in order to promote bilateral trade. In August, it facilitated the temporary opening of the Astromeritis/Bostanci crossing point until the completion of the EU-funded road construction project within the buffer zone. During the reporting period, UNFICYP police and military components conducted 62 humanitarian convoys, money runs and humanitarian visits. In September, UNFICYP assisted with the delivery of textbooks for Greek Cypriot primary and secondary schools in the north and facilitated the appointment of seven teachers at the secondary level.

UNFICYP civilian police increased contacts with both sides as a result of increased staffing and monitored and followed up on approximately 100 cases of Greek Cypriots and Turkish Cypriots involved in criminal court proceedings on both sides of the buffer zone.

The Committee on Missing Persons in Cyprus held 20 meetings throughout the year in Cyprus. On 30 June, it reached agreement in principle on a common programme of exhumations and identification scheduled to begin in 2006. Further agreements were reached in September and No-

vember on the establishment of an anthropological laboratory in the buffer zone, where collected remains from both sides could be stored. The project, which would be staffed by the Inforce Foundation Centre for Forensic Science, Technology and Law based in the United Kingdom and financed by voluntary contributions, was expected to last for three to four years.

The Secretary-General, in his conclusions, said that the early completion of the work of the Committee on Missing Persons in Cyprus and a solution to that problem would greatly contribute to reconciliation. He therefore urged all concerned to redouble their efforts and put aside political considerations in order to close that painful humanitarian chapter and end the suffering of the relatives of missing persons. He recommended that UNFICYP's mandate be extended until 15 June 2006.

SECURITY COUNCIL ACTION

On 14 December [meeting 5324], the Security Council unanimously adopted **resolution 1642 (2005)**. The draft [S/2005/784] was submitted by the United Kingdom.

The Security Council,

Welcoming the report of the Secretary-General of 29 November 2005 on the United Nations operation in Cyprus,

Reiterating its call to the parties to assess and address the humanitarian issue of missing persons with due urgency and seriousness, and welcoming in this regard the resumption of the activities of the Committee on Missing Persons in Cyprus since August 2004, as well as the intention of the Secretary-General to appoint a third member as of January 2006 and to reinforce his office,

Noting that the Government of Cyprus has agreed that, in view of the prevailing conditions on the island, it is necessary to keep the United Nations Peace-keeping Force in Cyprus beyond 15 December 2005,

Taking note of the assessment of the Secretary-General that the security situation on the island continues to be stable and that the situation along the Green Line remains calm, welcoming in this context the further decrease in the overall number of incidents involving the two sides, while noting nonetheless that there were incidents of significant concern,

Urging both sides to avoid any action which could lead to an increase in tension, and taking note with concern, in this context, of the conduct, for the first time since 2001, of the "Nikiforos" military exercise, and, afterwards, the "Toros" military exercise,

Regretting that progress towards a political solution has been negligible at best, and urging both sides to work towards the resumption of negotiations for a comprehensive settlement,

Welcoming the continuous engagement of the Secretary-General in the search for a comprehensive settlement of the Cyprus problem,

Welcoming also all demining activity in the buffer zone, including the agreement to begin the clearing of

Turkish Forces minefields in Nicosia and surrounding areas within the buffer zone,

Expressing its concern that, since the release of the report of the Secretary-General, differences have arisen over construction activity related to the proposed additional crossing point at Ledra Street, and urging both sides to cooperate with the Force to resolve this issue,

Welcoming the intention of the Secretary-General to keep the operations of the Force under close review while continuing to take into account developments on the ground and the views of the parties, and to revert to the Security Council with recommendations, as appropriate, for further adjustments of the mandate, force levels and concept of operation of the Force as soon as warranted,

Welcoming also the fact that over nine million crossings by Greek Cypriots to the north and Turkish Cypriots to the south have taken place, and encouraging the opening of additional crossing points,

Welcoming further all efforts to promote bicomunal contacts and events, including, inter alia, on the part of the United Nations, and urging the two sides to promote further bicomunal contacts and to remove any obstacles to such contacts,

Echoing the Secretary-General's gratitude to the Government of Cyprus and the Government of Greece for their voluntary contributions to the funding of the Force, and his request for further voluntary contributions from other countries and organizations,

Welcoming and encouraging efforts by the United Nations to sensitize peacekeeping personnel in the prevention and control of HIV/AIDS and other communicable diseases in all its peacekeeping operations,

1. *Reaffirms* all its relevant resolutions on Cyprus, in particular resolution 1251(1999) of 29 June 1999 and subsequent resolutions;

2. *Expresses its full support* for the United Nations Peacekeeping Force in Cyprus, and decides to extend its mandate for a further period ending 15 June 2006;

3. *Calls upon* the Turkish Cypriot side and Turkish forces to restore in Strovilia the military status quo which existed there prior to 30 June 2000;

4. *Requests* the Secretary-General to submit a report on the implementation of the present resolution by 1 June 2006;

5. *Welcomes* the efforts being undertaken by the Force to implement the Secretary-General's zero-tolerance policy on sexual exploitation and abuse and to ensure full compliance of its personnel with the United Nations code of conduct, requests the Secretary-General to continue to take all necessary action in this regard and to keep the Security Council informed, and urges troop-contributing countries to take appropriate preventive action, including conducting predeployment awareness training, and to take disciplinary action and other action to ensure full accountability in cases of such conduct involving their personnel;

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

Financing

On 13 April [meeting 91], the General Assembly, having considered the Secretary-General's report on UNFICYP's financial performance for the period from 1 July 2004 to 30 June 2005

[A/59/718], and ACABQ's related comments and recommendations [A/59/734], adopted, on the recommendation of the Fifth Committee [A/59/770 & Add.1], **resolution 59/284 A** without vote [agenda item 126].

Financing of the United Nations Peacekeeping Force in Cyprus

A

The General Assembly,

Having considered the note by the Secretary-General on the financing arrangements for the United Nations Peacekeeping Force in Cyprus and the related report of the Advisory Committee on Administrative and Budgetary Questions,

Recalling Security Council resolution 186(1964) of 4 March 1964, regarding the establishment of the Force, and the subsequent resolutions by which the Council extended the mandate of the Force, the latest of which is resolution 1568(2004) of 22 October 2004,

Recalling also its resolution 47/236 of 14 September 1993 on the financing of the Force for the period beginning 16 June 1993 and its subsequent resolutions and decisions thereon, the latest of which is resolution 58/301 of 18 June 2004,

Reaffirming the general principles underlying the financing of United Nations peacekeeping operations as stated in General Assembly resolutions 1874(S-IV) of 27 June 1963, 3101(XXVIII) of 11 December 1973 and 55/235 of 23 December 2000,

Noting with appreciation that voluntary contributions have been made to the Force by certain Governments,

Noting that voluntary contributions were insufficient to cover all the costs of the Force, including those incurred by troop-contributing Governments prior to 16 June 1993, and regretting the absence of an adequate response to appeals for voluntary contributions, including that contained in the letter dated 17 May 1994 from the Secretary-General to all Member States,

Mindful of the fact that it is essential to provide the Force with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. *Takes note* of the note by the Secretary-General on the financing arrangements for the United Nations Peacekeeping Force in Cyprus and the related report of the Advisory Committee on Administrative and Budgetary Questions;

2. *Also takes note* of the status of contributions to the Force as at 28 February 2005, including the contributions outstanding in the amount of 24.1 million United States dollars, representing some 10 per cent of the total assessed contributions, notes with concern that only forty-one Member States have paid their assessed contributions in full, and urges all other Member States, in particular those in arrears, to ensure payment of their outstanding assessed contributions;

3. *Expresses its appreciation* to those Member States which have paid their assessed contributions in full, and urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the Force in full;

4. *Expresses concern* at the financial situation with regard to peacekeeping activities, in particular as regards the reimbursements to troop contributors that

bear additional burdens owing to overdue payments by Member States of their assessments;

5. *Also expresses concern* at the delay experienced by the Secretary-General in deploying and providing adequate resources to some recent peacekeeping missions, in particular those in Africa;

6. *Emphasizes* that all future and existing peacekeeping missions shall be given equal and non-discriminatory treatment in respect of financial and administrative arrangements;

7. *Also emphasizes* that all peacekeeping missions shall be provided with adequate resources for the effective and efficient discharge of their respective mandates;

8. *Reiterates its request* to the Secretary-General to make the fullest possible use of facilities and equipment at the United Nations Logistics Base at Brindisi, Italy, in order to minimize the costs of procurement for the Force;

9. *Endorses* the observations and recommendations of the Advisory Committee on Administrative and Budgetary Questions, and requests the Secretary-General to ensure their full implementation;

10. *Requests* the Secretary-General to expedite negotiations with the host Government on issues surrounding the relocation of military contingent personnel as well as other personnel of the Force, in accordance with the provisions of the March 1964 Agreement between the United Nations and the Government of Cyprus;

11. *Also requests* the Secretary-General to take all necessary action to ensure that the Force is administered with a maximum of efficiency and economy;

12. *Further requests* the Secretary-General, in order to reduce the cost of employing General Service staff, to continue efforts to recruit local staff for the Force against General Service posts, commensurate with the requirements of the Force;

13. *Decides* to continue to maintain as separate the account established for the Force for the period prior to 16 June 1993, invites Member States to make voluntary contributions to that account, and requests the Secretary-General to continue his efforts in appealing for voluntary contributions to the account;

14. *Emphasizes* that no peacekeeping mission shall be financed by borrowing funds from other active peacekeeping missions;

15. *Encourages* the Secretary-General to continue to take additional measures to ensure the safety and security of all personnel under the auspices of the United Nations participating in the Force;

16. *Invites* voluntary contributions to the Force in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure and practices established by the General Assembly;

17. *Decides* to keep under review during its fifty-ninth session the item entitled "Financing of the United Nations Peacekeeping Force in Cyprus".

On 22 June [meeting 104], the Assembly, having considered the performance report on UNFICYP's budget for the period from 1 July 2003 to 30 June 2004 [A/59/620], its budget for the period from 1 July 2005 to 30 June 2006 [A/59/656 & Add.1] and

the ACABQ report thereon [A/59/736/ Add.6], adopted, on the recommendation of the Fifth Committee [A/59/770/Add.1], **resolution 59/284 B**, without vote [agenda item 126].

B

The General Assembly,

Having considered the reports of the Secretary-General on the financing of the United Nations Peacekeeping Force in Cyprus and the related reports of the Advisory Committee on Administrative and Budgetary Questions,

Recalling Security Council resolution 186(1964) of 4 March 1964 regarding the establishment of the Force and the subsequent resolutions by which the Council extended the mandate of the Force, the latest of which was resolution 1568(2004) of 22 October 2004,

Recalling also its resolution 47/236 of 14 September 1993 on the financing of the Force for the period beginning 16 June 1993 and its subsequent resolutions and decisions thereon, the latest of which were resolutions 58/301 of 18 June 2004 and 59/284 A of 13 April 2005,

Reaffirming the general principles underlying the financing of United Nations peacekeeping operations as stated in General Assembly resolutions 1874(S-IV) of 27 June 1963, 3101(XXVIII) of 11 December 1973 and 55/235 of 23 December 2000,

Noting with appreciation that voluntary contributions have been made to the Force by certain Governments,

Noting that voluntary contributions were insufficient to cover all the costs of the Force, including those incurred by troop-contributing Governments prior to 16 June 1993, and regretting the absence of an adequate response to appeals for voluntary contributions, including that contained in the letter dated 17 May 1994 from the Secretary-General to all Member States,

Mindful of the fact that it is essential to provide the Force with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. *Requests* the Secretary-General to entrust the Head of Mission with the task of formulating future budget proposals, in full accordance with the provisions of General Assembly resolution 59/296 of 22 June 2005, as well as other relevant resolutions;

2. *Takes note* of the status of contributions to the United Nations Peacekeeping Force in Cyprus as at 15 April 2005, including the contributions outstanding in the amount of 14.1 million United States dollars, representing some 6 per cent of the total assessed contributions, notes with concern that only fifty-five Member States have paid their assessed contributions in full, and urges all other Member States, in particular those in arrears, to ensure payment of their outstanding assessed contributions;

3. *Expresses its appreciation* to those Member States that have paid their assessed contributions in full, and urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the Force in full;

4. *Expresses concern* at the financial situation with regard to peacekeeping activities, in particular as regards the reimbursements to troop contributors that bear additional burdens owing to overdue payments by Member States of their assessments;

5. *Also expresses concern* at the delay experienced by the Secretary-General in deploying and providing adequate resources to some recent peacekeeping missions, in particular those in Africa;

6. *Emphasizes* that all future and existing peacekeeping missions shall be given equal and non-discriminatory treatment in respect of financial and administrative arrangements;

7. *Also emphasizes* that all peacekeeping missions shall be provided with adequate resources for the effective and efficient discharge of their respective mandates;

8. *Reiterates its request* to the Secretary-General to make the fullest possible use of facilities and equipment at the United Nations Logistics Base at Brindisi, Italy, in order to minimize the costs of procurement for the Force;

9. *Endorses* the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions, and requests the Secretary-General to ensure their full implementation;

10. *Requests* the Secretary-General to ensure the full implementation of the relevant provisions of its resolution 59/296;

11. *Also requests* the Secretary-General to take all necessary action to ensure that the Force is administered with a maximum of efficiency and economy;

12. *Further requests* the Secretary-General, in order to reduce the cost of employing General Service staff, to continue efforts to recruit local staff for the Force against General Service posts, commensurate with the requirements of the Force;

Financial performance report for the period from 1 July 2003 to 30 June 2004

13. *Takes note* of the report of the Secretary-General on the financial performance of the Force for the period from 1 July 2003 to 30 June 2004;

14. *Decides* to appropriate to the Special Account for the United Nations Peacekeeping Force in Cyprus the amount of 1,665,400 dollars for the maintenance of the Force for the period from 1 July 2003 to 30 June 2004, in addition to the amount of 45,772,600 dollars already appropriated for the Force for the same period under the terms of its resolution 57/332 of 18 June 2003;

Financing of the additional appropriation for the period from 1 July 2003 to 30 June 2004

15. *Notes with appreciation* that a one-third share of the net additional appropriation, equivalent to 500,800 dollars, will be funded through voluntary contributions from the Government of Cyprus;

16. *Decides*, taking into account the amount of 24,705,100 dollars already apportioned under the terms of its resolution 57/332, to apportion among Member States the additional amount of 1,164,600 dollars for the maintenance of the Force for the period from 1 July 2003 to 30 June 2004, in accordance with the levels updated in General Assembly resolution 58/256 of 23 December 2003, and taking into account the scale of assessments for 2004, as set out in its resolution 58/1 B of 23 December 2003;

17. *Decides also* that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 16 above,

their respective share in the Tax Equalization Fund of the amount of 163,000 dollars, representing the additional staff assessment income for the Force for the period from 1 July 2003 to 30 June 2004;

18. *Decides further* that, for Member States that have fulfilled their financial obligations to the Force, there shall be set off against their apportionment, as provided for in paragraph 16 above, their respective share of other income in the amount of 701,231 dollars in respect of the financial period ended 30 June 2004, in accordance with the scheme set out in paragraph 16 above;

19. *Decides* that, for Member States that have not fulfilled their financial obligations to the Force, there shall be set off against their outstanding obligations their respective share of other income in the amount of 701,231 dollars in respect of the financial period ended 30 June 2004, in accordance with the scheme set out in paragraph 16 above;

20. *Decides also*, taking into account its voluntary contribution for the financial period ended 30 June 2004, that one third of other income in the amount of 451,300 dollars in respect of the financial period ended 30 June 2004 shall be returned to the Government of Cyprus;

21. *Decides further*, taking into account its voluntary contribution for the financial period ended 30 June 2004, that the prorated share of other income in the amount of 201,369 dollars in respect of the financial period ended 30 June 2004 shall be returned to the Government of Greece;

Budget estimates for the period from 1 July 2005 to 30 June 2006

22. *Decides* to appropriate to the Special Account for the United Nations Peacekeeping Force in Cyprus the amount of 46,512,600 dollars for the period from 1 July 2005 to 30 June 2006, inclusive of 44,184,300 dollars for the maintenance of the Force, 1,903,800 dollars for the support account for peacekeeping operations and 424,500 dollars for the United Nations Logistics Base;

Financing of the appropriation for the period from 1 July 2005 to 30 June 2006

23. *Notes with appreciation* that a one-third share of the net appropriation, equivalent to 14,699,000 dollars, will be funded through voluntary contributions from the Government of Cyprus and the amount of 6.5 million dollars from the Government of Greece;

24. *Decides* to apportion among Member States the amount of 25,313,600 dollars at a monthly rate of 2,109,466 dollars, in accordance with the levels updated in General Assembly resolution 58/256, and taking into account the scale of assessments for 2005 and 2006, as set out in its resolution 58/1 B, subject to a decision of the Security Council to extend the mandate of the Force;

25. *Decides also* that, in accordance with the provisions of its resolution 973(X), there shall be set off against the apportionment among Member States, as provided for in paragraph 24 above, their respective share in the Tax Equalization Fund of 2,415,600 dollars, comprising the estimated staff assessment income of 2,112,100 dollars approved for the Force, the prorated share of 269,100 dollars of the estimated staff assessment income approved for the support account

and the prorated share of 34,400 dollars of the estimated staff assessment income approved for the United Nations Logistics Base;

26. *Decides further* to continue to maintain as separate the account established for the Force for the period prior to 16 June 1993, invites Member States to make voluntary contributions to that account and requests the Secretary-General to continue his efforts in appealing for voluntary contributions to the account;

27. *Emphasizes* that no peacekeeping mission shall be financed by borrowing funds from other active peacekeeping missions;

28. *Encourages* the Secretary-General to continue to take additional measures to ensure the safety and security of all personnel under the auspices of the United Nations participating in the Force, bearing in mind paragraphs 5 and 6 of Security Council resolution 1502(2003) of 26 August 2003;

29. *Invites* voluntary contributions to the Force in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure and practices established by the General Assembly;

30. *Decides* to include in the provisional agenda of its sixtieth session the item entitled "Financing of the United Nations Peacekeeping Force in Cyprus".

In December, the Secretary-General further submitted the performance report on UNFICYP's budget for the period from 1 July 2004 to 30 June 2005 [A/60/584] and the budget for the period from 1 July 2006 to 30 June 2007 [A/60/592].

Other issues

Strengthening of security and cooperation in the Mediterranean

In response to General Assembly resolution 59/108 [YUN 2004, p. 448], the Secretary-General submitted a July report [A/60/118] containing replies received from Albania, Burkina Faso and Turkey to his 25 February note verbale requesting the views of States and intergovernmental organizations on ways to strengthen cooperation in the Mediterranean region.

GENERAL ASSEMBLY ACTION

On 8 December [meeting 62], the General Assembly, on the recommendation of the First (Disarmament and International Security) Committee [A/60/468], adopted **resolution 60/94** without vote [agenda item 102].

Strengthening of security and cooperation in the Mediterranean region

The General Assembly,

Recalling its previous resolutions on the subject, including resolution 59/108 of 3 December 2004,

Reaffirming the primary role of the Mediterranean countries in strengthening and promoting peace, security and cooperation in the Mediterranean region,

Bearing in mind all the previous declarations and commitments, as well as all the initiatives taken by the riparian countries at the recent summits, ministerial meetings and various forums concerning the question of the Mediterranean region,

Recognizing the indivisible character of security in the Mediterranean and that the enhancement of cooperation among Mediterranean countries with a view to promoting the economic and social development of all peoples of the region will contribute significantly to stability, peace and security in the region,

Recognizing also the efforts made so far and the determination of the Mediterranean countries to intensify the process of dialogue and consultations with a view to resolving the problems existing in the Mediterranean region and to eliminating the causes of tension and the consequent threat to peace and security, and their growing awareness of the need for further joint efforts to strengthen economic, social, cultural and environmental cooperation in the region,

Recognizing further that prospects for closer Euro-Mediterranean cooperation in all spheres can be enhanced by positive developments worldwide, in particular in Europe, in the Maghreb and in the Middle East,

Reaffirming the responsibility of all States to contribute to the stability and prosperity of the Mediterranean region and their commitment to respecting the purposes and principles of the Charter of the United Nations as well as the provisions of the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,

Noting the peace negotiations in the Middle East, which should be of a comprehensive nature and represent an appropriate framework for the peaceful settlement of contentious issues in the region,

Expressing its concern at the persistent tension and continuing military activities in parts of the Mediterranean that hinder efforts to strengthen security and cooperation in the region,

Taking note of the report of the Secretary-General,

1. *Reaffirms* that security in the Mediterranean is closely linked to European security as well as to international peace and security;

2. *Expresses its satisfaction* at the continuing efforts by Mediterranean countries to contribute actively to the elimination of all causes of tension in the region and to the promotion of just and lasting solutions to the persistent problems of the region through peaceful means, thus ensuring the withdrawal of foreign forces of occupation and respecting the sovereignty, independence and territorial integrity of all countries of the Mediterranean and the right of peoples to self-determination, and therefore calls for full adherence to the principles of non-interference, non-intervention, non-use of force or threat of use of force and the inadmissibility of the acquisition of territory by force, in accordance with the Charter and the relevant resolutions of the United Nations;

3. *Commends* the Mediterranean countries for their efforts in meeting common challenges through coordinated overall responses, based on a spirit of multilateral partnership, towards the general objective of turn-

ing the Mediterranean basin into an area of dialogue, exchanges and cooperation, guaranteeing peace, stability and prosperity, encourages them to strengthen such efforts through, inter alia, a lasting multilateral and action-oriented cooperative dialogue among States of the region, and recognizes the role of the United Nations in promoting regional and international peace and security;

4. *Recognizes* that the elimination of the economic and social disparities in levels of development and other obstacles as well as respect and greater understanding among cultures in the Mediterranean area will contribute to enhancing peace, security and cooperation among Mediterranean countries through the existing forums;

5. *Calls upon* all States of the Mediterranean region that have not yet done so to adhere to all the multilaterally negotiated legal instruments related to the field of disarmament and non-proliferation, thus creating the necessary conditions for strengthening peace and cooperation in the region;

6. *Encourages* all States of the region to favour the necessary conditions for strengthening the confidence-building measures among them by promoting genuine openness and transparency on all military matters, by participating, inter alia, in the United Nations system for the standardized reporting of military expenditures and by providing accurate data and information to the United Nations Register of Conventional Arms;

7. *Encourages* the Mediterranean countries to strengthen further their cooperation in combating terrorism in all its forms and manifestations, taking into account the relevant resolutions of the United Nations, and in combating international crime and illicit arms transfers and illicit drug production, consumption and trafficking, which pose a serious threat to peace, security and stability in the region and therefore to the improvement of the current political, economic and social situation and which jeopardize

friendly relations among States, hinder the development of international cooperation and result in the destruction of human rights, fundamental freedoms and the democratic basis of pluralistic society;

8. *Requests* the Secretary-General to submit a report on means to strengthen security and cooperation in the Mediterranean region;

9. *Decides* to include in the provisional agenda of its sixty-first session the item entitled "Strengthening of security and cooperation in the Mediterranean region".

Cooperation with the Organization for Security and Cooperation in Europe

On 2 September [A/59/908], Slovenia, on behalf of the member States of the Organization for Security and Cooperation in Europe (OSCE), requested that consideration of the sub-item "Cooperation between the United Nations and the Organization for Security and Cooperation in Europe" be deferred to the General Assembly's sixtieth (2005) session and be included in the agenda of that session, as no agreement had been reached on the text of a draft resolution on the subject. The request was made on the understanding that, without setting a precedent, the sub-item would again be considered under the item entitled "Cooperation between the United Nations and regional and other organizations", which was to be included in the agenda of the sixty-first (2006) session and be considered biennially, pursuant to Assembly resolution 55/285 [YUN 2001, p. 1287].

By **decision 59/567** of 12 September, the Assembly agreed to that request.