

## Chapter V

## Europe and the Mediterranean

In 2001, there were encouraging signs that a number of countries in Europe and the Mediterranean were moving closer towards achieving their goal of peace and security. In the Balkans, the contentious issue of State succession was finally settled on 29 June, when the States successors to the former Socialist Federal Republic of Yugoslavia (SFRY) signed the Agreement on Succession Issues, providing for the distribution of SFRY's rights, obligations, assets and liabilities. Following the change of Government in the Federal Republic of Yugoslavia (FRY) in 2000, relations with Croatia improved, leading to their joint statement of intent to further normalize bilateral relations and to elaborate a protocol on the identification of borders and the delimitation on land and sea, for which they established an inter-State border commission on 10 December.

The United Nations Mission in Bosnia and Herzegovina continued to pursue its Mandate Implementation Plan, which was due to be completed by the end of 2002. In anticipation of the Plan's completion, the Security Council began to consider proposals as to what form continued UN and international civilian presences in Bosnia and Herzegovina would take thereafter.

Between March and May, the United Nations Interim Administration Mission in Kosovo, headed by the Special Representative of the Secretary-General, began laying the foundations for the interim period of self-government in the FRY province of Kosovo. That culminated in the Special Representative's promulgation on 16 May of a Constitutional Framework for Provisional Self-Government, which paved the way for Kosovo-wide elections on 17 November. Formation of a coalition Government and establishment of the provisional self-government institutions followed.

On the Secretary-General's recommendation, the Security Council, on 10 September, terminated the sanctions imposed on FRY and dissolved the committee that had been monitoring them. With the improved situation in the ground safety zone—the buffer zone between Kosovo and Serbia proper—the North Atlantic Treaty Organization allowed the phased return of Yugoslav forces to the area.

In the former Yugoslav Republic of Macedonia, the President and the leaders of the four main political parties signed a Framework Agreement on

13 August. Among its main provisions were the cessation of hostilities, the voluntary disarmament and disbandment of the ethnic Albanian armed groups, an unconditional ceasefire and the development of a decentralized Government.

In Cyprus, the leaders of the Greek and Turkish Cypriot communities, in a 4 December face-to-face meeting in the presence of the Secretary-General's Personal Adviser for Cyprus, agreed to hold direct talks under the auspices of the Secretary-General's mission of good offices. They further agreed on the conditions for such talks, which would begin on 16 January 2002.

In Georgia, however, the peace process aimed at resolving the Georgian/Abkhaz armed conflict remained stalled. The long-awaited paper on the basic principles for the distribution of competencies between Tbilisi and Sukhumi was finalized in mid-December. The paper, which the Special Representative of the Secretary-General transmitted to the parties, was to serve as the basis for substantial negotiations towards a comprehensive settlement, including a definition of the political status of Abkhazia within the State of Georgia. Adamant in its rejection of any suggestion that Abkhazia was within the State of Georgia, the Abkhaz party was not prepared to receive the paper.

Attempts to bring about a settlement in the Nagorny-Karabakh region of Azerbaijan also proved unsuccessful. Both sides of the conflict remained entrenched in their positions: Azerbaijan maintained that Nagorny Karabakh was an integral part of the State of Azerbaijan, while Nagorny Karabakh's leadership considered the region a separate, independent entity, referring to it as the "Nagorno-Karabakh Republic".

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### The former Yugoslavia

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#### UN operations

The United Nations continued efforts to restore peace and stability in the territories of the former Yugoslavia through its peacekeeping missions: the United Nations Mission in Bosnia and Herzegovina (UNMIBH), the United Nations Mission of Observers in Prevlaka (UNMOP) and the

United Nations Interim Administration Mission in the FR Yugoslavia province of Kosovo (UNMIK). The Secretary-General's Special Envoys for the Balkans, Carl Bildt (Sweden) and Eduard Kukan (Slovakia), also continued in their functions.

The Security Council extended the mandates of UNMIBH, which included the International Police Task Force, until 21 June 2002 and of UNMOP until 15 January 2002.

The Secretary-General, on 1 March [S/2001/194], informed the Security Council President that he had asked his Special Envoys to continue their efforts until midyear, and beyond if required, to promote peace and stability in the Balkans. The Council noted that request on 6 March [S/2001/195].

### Financing of previous peacekeeping operations

#### *UNPF and UNPF-HQ*

In March [A/55/840], the Secretary-General, in response to General Assembly resolution 54/269 [YUN 2000, p. 325], submitted the financial performance report of the United Nations Protection Force (UNPROFOR), which ended in 1999, the United Nations Confidence Restoration Operation in Croatia (UNCRO), which ended in 1996, the United Nations Preventive Deployment Force (UNPREDEP), which ended in 1999—known collectively as the United Nations Peace Forces (UNPF)—and UNPF headquarters (UNPF-HQ).

Reimbursements to troop-contributing Governments for troop costs had been made in full, apart from \$1,358,146 being held in accounts payable awaiting payment instructions from one Government. Also being held in accounts payable were certified claims totalling \$219,991,166 for amounts owed for contingent-owned equipment and \$15,022,361 for related losses. An estimated \$29 million in additional claims for equipment losses was awaiting approval. Claims for goods and services amounting to \$12.8 million were recorded in accounts payable as at 31 December 2000.

The unencumbered balance of appropriations stood at \$174,743,027 gross (\$175,519,370 net); however, there was no corresponding cash balance. In addition, although the operating deficit decreased from \$353,288,018 in 1999 to \$305,889,451 in 2000, the shortage of cash in the UNPF special account remained a critical problem, owing to the high level of unpaid assessed contributions to UNPF, which, at 31 December 2000, totalled \$616,724,373. Consequently, certified government claims had had to be placed in accounts payable.

In the light of the chronic cash shortage of the combined forces, the Secretary-General sought the Assembly's agreement to the continued temporary suspension of financial regulations 4.3, 4.4 and 5.2 (d) in respect of the remaining surplus of \$174,743,027 gross (\$175,519,370 net). The Advisory Committee on Administrative and Budgetary Questions (ACABQ), in its April report [A/55/886], concurred with the Secretary-General's recommendation.

#### GENERAL ASSEMBLY ACTION

On 14 June [meeting 103], the General Assembly, on the recommendation of the Fifth (Administrative and Budgetary) Committee [A/55/961], adopted **resolution 55/265** without vote [agenda item 140].

#### **Financing of the United Nations Protection Force, the United Nations Confidence Restoration Operation in Croatia, the United Nations Preventive Deployment Force and the United Nations Peace Forces headquarters**

*The General Assembly,*

*Having considered* the report of the Secretary-General on the financing of the United Nations Protection Force, the United Nations Confidence Restoration Operation in Croatia, the United Nations Preventive Deployment Force and the United Nations Peace Forces headquarters and the related report of the Advisory Committee on Administrative and Budgetary Questions,

*Recalling* Security Council resolutions 727(1992) of 8 January 1992 and 740(1992) of 7 February 1992, in which the Council endorsed the sending of a group of military liaison officers to Yugoslavia to promote maintenance of the ceasefire,

*Recalling also* Security Council resolution 743(1992) of 21 February 1992, by which the Council established the United Nations Protection Force, and the subsequent resolutions by which the Council extended and expanded its mandate,

*Recalling further* Security Council resolution 981(1995) of 31 March 1995, by which the Council established the United Nations Confidence Restoration Operation in Croatia, to be known as UNCRO,

*Recalling* Security Council resolution 983(1995) of 31 March 1995, by which the Council decided that the United Nations Protection Force within the former Yugoslav Republic of Macedonia should be known as the United Nations Preventive Deployment Force,

*Recalling also* Security Council resolution 1025(1995) of 30 November 1995, in which the Council decided to terminate the mandate of the United Nations Confidence Restoration Operation in Croatia on 15 January 1996,

*Recalling further* Security Council resolution 1031(1995) of 15 December 1995, in which the Council decided to terminate the mandate of the United Nations Protection Force on the date on which the Secretary-General reported that the transfer of authority from the United Nations Protection Force to the Implementation Force had taken place,

*Recalling* the letter dated 1 February 1996 from the President of the Security Council to the Secretary-General, informing him of the Council's concurrence in principle that the United Nations Preventive Deployment Force should become an independent mission,

*Recalling also* its resolution 46/233 of 19 March 1992 on the financing of the United Nations Protection Force and its subsequent resolutions and decisions thereon, the latest of which was resolution 54/269 of 15 June 2000,

*Reaffirming* that the costs of the combined Forces are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

*Recalling* its previous decisions regarding the fact that, in order to meet the expenditures caused by the combined Forces, a different procedure is required from that applied to meet expenditures of the regular budget of the United Nations,

*Taking into account* the fact that the economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such operations,

*Bearing in mind* the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874(S-IV) of 27 June 1963, in the financing of such operations,

*Noting with appreciation* that voluntary contributions have been made to the combined Forces by certain Governments,

*Mindful* of the fact that it is essential to provide the combined Forces with the necessary financial resources to enable them to meet their outstanding liabilities,

1. *Takes note* of the status of contributions to the combined Forces as at 30 April 2001, including the contributions outstanding in the amount of 615.8 million United States dollars, representing 13 per cent of the total assessed contributions from the inception of the United Nations Protection Force to the period ending 30 June 1997, notes that some 63 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure payment of their outstanding assessed contributions in full;

2. *Expresses its appreciation* to those Member States which have paid their assessed contributions in full;

3. *Expresses concern* about 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. *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;

8. *Decides* to suspend for the immediate future the provisions of regulations 4.3, 4.4 and 5.2 (d) of the financial regulations of the United Nations in respect of the remaining surplus of 174,743,027 dollars gross (175,519,370 dollars net) in order to allow for reimbursements to troop contributors and in the light of the cash shortage of the combined Forces, and requests the Secretary-General to provide an updated report in one year;

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

10. *Decides* to include in the provisional agenda of its fifty-sixth session the item entitled "Financing of the United Nations Protection Force, the United Nations Confidence Restoration Operation in Croatia, the United Nations Preventive Deployment Force and the United Nations Peace Forces headquarters".

On 24 December, the Assembly decided that the item on the financing of UNPROFOR, UNCRO, UNPREDEP and UNPF-HQ would remain for consideration during its resumed fifty-sixth (2002) session (**decision 56/464**) and that the Fifth Committee should continue to consider the item at that session (**decision 56/458**).

#### *UNTAES and UN Civilian Police Support Group*

By **decision 55/501** of 7 September, the General Assembly included in the draft agenda of its fifty-sixth session the item on financing of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) and the Civilian Police Support Group.

On 24 December, the Assembly decided that the item on the financing of UNTAES and the Civilian Police Support Group would remain for consideration during its resumed fifty-sixth (2002) session (**decision 56/464**) and that the Fifth Committee should continue to consider the item at that session (**decision 56/458**).

#### *UNPREDEP*

The General Assembly, at its resumed fifty-fifth (2001) session, considered the Secretary-General's September 2000 report [A/55/390] on the final disposition of UNPREDEP's assets [YUN 2000, p. 328], seeking authority from the Assembly for the transfer to the Government of the former Yugoslav Republic of Macedonia (FYROM) of assets consisting of observation towers and non-expendable equipment within the observation posts with an inventory value of \$1,705,200.

ACABQ, in its related report [A/55/870], recommended approval of the transfer. Noting, how-

ever, that the transfer had already been made under “temporary possession” arrangements pending the Assembly’s approval, ACABQ observed that such proposals should be submitted to it before the actual transfer, whether under “temporary possession” or otherwise. Noting also that assets of \$79,600 had been written off as unaccounted for due to the liquidation team’s inability to identify the names of military officials who received some of the equipment provided to the battalions, ACABQ trusted that, since the field assets control system (see p. 102) was fully operational, such instances would be reduced, pointing out that, as a general rule, UN officials should be designated to receive, inspect and report on equipment provided to missions.

By **decision 55/484** of 14 June, the Assembly took note of the Secretary-General’s report and the related ACABQ report, and approved the donation of observation towers and non-expendable equipment within the observation posts to FYROM.

On 24 December, the Assembly decided that the item on UNPREDEP’s financing would remain for consideration at its resumed fifty-sixth (2002) session (**decision 56/464**) and that the Fifth Committee should continue to consider the item at that session (**decision 56/458**).

### State succession issues

The High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina [YUN 1995, p. 544] reported in July [S/2001/723] that, in accordance with his mandate, he, together with the Special Negotiator, Sir Arthur Watts (United Kingdom), mediated the final round of negotiations for the succession of the Socialist Federal Republic of Yugoslavia (SFRY) in Vienna. That resulted in the Agreement on Succession Issues, providing for the distribution of the rights, obligations, assets and liabilities of SFRY, which its five successor States—Bosnia and Herzegovina, Croatia, Slovenia, FYROM and the Federal Republic of Yugoslavia (FRY)—initialled on 25 May. The High Representative reported in September [S/2001/868] that the five States had formally signed the Agreement on 29 June in Vienna.

The General Assembly, in **resolution 56/215** (see p. 327), welcomed the Agreement and its implementation.

### Prevlaka peninsula

In 2001, the United Nations continued to explore ways to advance the political process relating to the dispute over the Prevlaka peninsula,

particularly through the United Nations Mission of Observers in Prevlaka (UNMOP), which monitored the demilitarization of the peninsula and neighbouring territories in Croatia and FRY. The Security Council renewed UNMOP’s mandate until 15 January 2002.

As relations between the two countries improved and with their declarations of intent to work towards a negotiated settlement, bilateral negotiations on Prevlaka, which had been stalled for two years, resumed in June 2001. The leaders of the two countries also issued a joint statement on the further normalization of bilateral relations, in accordance with the 1996 Agreement on Normalization of Relations between them [YUN 1996, p. 340]. In November, their Foreign Ministers agreed to elaborate a protocol on the identification of borders and the delimitation on land and sea. As a follow-up, the first meeting was held on 10 December, at which an inter-State border commission was established.

Despite the long-standing violations of the agreed security regime in the UN-controlled zones, including limitations on the free movement of UN military observers, the situation there remained stable and calm. In June, Croatia disbanded its Special Police stationed on its side of the demilitarized zone (DMZ), replacing it with a Police Intervention Unit, and also significantly reduced the number of its regular police there.

### Bilateral negotiations

On 5 January [S/2001/13], Croatia said that the emergence of the new Government in FRY [YUN 2000, p. 384] raised hopes that an overall lasting solution could be reached on the question of Prevlaka through bilateral contacts between Croatia and FRY and its Republic of Montenegro. Croatia expected bilateral talks to commence as soon as possible and declared its intention to take account of FRY’s security concerns and to endeavour to resolve the issue in the spirit of good-neighbourliness. The Secretary-General’s April report on UNMOP [S/2001/350] indicated, however, that no further meetings of the negotiating teams had taken place and the parties continued to hold divergent views on resolving the dispute.

FRY stated its belief on 3 July [S/2001/668] that conditions existed for the two countries to arrive at a satisfactory solution through negotiations, with full respect for the interests of both sides. Regardless of their differing views, FRY continued to believe that gradualism, the strengthening of confidence and the taking of specific steps aimed at creating conditions conducive to reaching a final agreement on the determination of land, water and sea borders between FRY and Croatia were the best way to proceed.

In his July report on UNMOP [S/2001/661], the Secretary-General said that the two countries had held meetings on bilateral issues, including Prevlaka. In addition to working-level discussions, Croatian and Yugoslav officials had met in the Yugoslav capital of Belgrade on 11 June and in Vienna on 28 June. The United Nations did not participate in those meetings, during which the Prevlaka issue was broached.

On 9 July [S/2001/680], Croatia welcomed the resumption of bilateral contacts. It said that it was encouraged by FRY's political will to engage actively in the quest for a solution to the Prevlaka issue and was ready to start negotiations on the delimitation of the maritime border based on international law as soon as possible.

In a later report on UNMOP [S/2002/1], the Secretary-General said that Croatia and FRY continued to maintain contacts. Their Foreign Ministers met on 11 November in New York and issued a joint statement declaring their intention to set up an inter-State commission to address outstanding issues concerning their common land and sea borders and to examine further the issue of demilitarization. In separate meetings with the Secretary-General on 14 November, they expressed their Governments' commitment to continue working bilaterally towards a peaceful, negotiated solution to the Prevlaka dispute. The Secretary-General assured them of UN assistance, should it be required.

On 28 December [S/2001/1301], FRY informed the Security Council President that, as a follow-up to the Foreign Ministers' November decision to elaborate a protocol on the principle of the identification of borders and the delimitation on land and sea, a meeting was held on 10 December, at which an inter-State border commission was established.

### Normalization of relations

The Presidents of Croatia, Stjepan Mesic, and of FRY, Vojislav Kostunica, issued a joint statement on their talks on 8 June in Verbania, Italy [A/56/116-S/2001/617], on the state of relations between their countries and on the situation in the broader region. They announced their readiness to continue to maintain periodic contacts in order to give a fresh impetus to the region's stabilization and reaffirmed their commitment in principle to a policy of peace and resolution of all outstanding questions through negotiations.

The Presidents acknowledged that Croatia-FRY relations should be built with a view to achieving full normalization and be expanded in all areas of mutual interest. To that end, special emphasis should be placed on facilitating the free movement of persons, commodities and ideas. Imple-

mentation of existing bilateral agreements should continue and measures undertaken to ensure the equal protection of minorities in both countries. All obstacles to the return of refugees and expelled persons should be removed, and maximum efforts exerted to ensure that persons missing in action were accounted for.

They acknowledged that a stable and democratic Bosnia and Herzegovina based on the General Framework Agreement for Peace in Bosnia and Herzegovina [YUN 1995, p. 544] was in the lasting interest, not only of their two countries, but also of the region as a whole, and reaffirmed that Croatia and FRY had no claims to any part of the territory of Bosnia and Herzegovina.

### UN Mission of Observers in Prevlaka (UNMOP)

The United Nations Mission of Observers in Prevlaka continued in 2001 to monitor the demilitarization of the disputed Prevlaka peninsula and the neighbouring areas in Croatia and FRY, to hold periodic meetings with local authorities and to maintain contact with the Belgrade and Zagreb authorities. It further maintained cooperation with the multinational Stabilization Force (SFOR) in Bosnia and Herzegovina (see p. 344). UNMOP's areas of responsibility were in two UN-designated zones: the DMZ (Yellow Zone) and the UN-controlled zone (Blue Zone). Until 15 September, UNMOP, which comprised 27 military observers, had been under the command of Chief Military Observer Colonel Graeme Roger Williams (New Zealand). He was replaced by Colonel Rodolfo Sergio Mujica (Argentina), who was appointed through an exchange of letters between the Secretary-General [S/2001/872] and the Security Council [S/2001/873].

The Council extended UNMOP's mandate twice during the year, to 15 July 2001 and to 15 January 2002.

Although an independent mission, UNMOP was, for administrative and budgetary purposes, treated as part of UNMIBH. (For the financing of UNMOP, see p. 337.)

### SECURITY COUNCIL ACTION

On 12 January [meeting 4256], the Security Council, having considered the Secretary-General's December 2000 report on UNMOP [YUN 2000, p. 335], unanimously adopted **resolution 1335 (2001)**. The draft [S/2001/34] was prepared in prior consultations.

*The Security Council,*

*Recalling* all its earlier relevant resolutions, including resolutions 779(1992) of 6 October 1992, 981(1995) of 31 March 1995, 1088(1996) of 12 December 1996, 1147(1998) of 13 January 1998, 1183(1998) of 15 July 1998, 1222(1999) of 15 January 1999, 1252(1999) of 15

July 1999, 1285(2000) of 13 January 2000, 1305(2000) of 21 June 2000 and 1307(2000) of 13 July 2000,

*Having considered* the report of the Secretary-General of 29 December 2000 on the United Nations Mission of Observers in Prevlaka,

*Recalling* the letters addressed to its President from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia of 22 December 2000 and from the Permanent Representative of Croatia of 5 January 2001, concerning the disputed issue of Prevlaka,

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

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

*Noting with satisfaction* that the overall situation in the area of responsibility of the Mission has remained stable and calm,

*Reiterating its concern* about continuing violations of the demilitarization regime, including limitations placed on the free movement of United Nations military observers,

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

*Welcoming* the commitment of the democratic governments of Croatia and the Federal Republic of Yugoslavia, as expressed by the Prime Minister of the Federal Government of the Federal Republic of Yugoslavia and the Foreign Minister of Croatia, to resume as soon as possible bilateral talks on the disputed issue of Prevlaka pursuant to the Agreement on Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia of 23 August 1996, which would end a long period during which no substantive progress was made on the issue,

*Expressing its concern* over the delay in putting in place a comprehensive demining programme by the parties,

*Commending* the role played by the Mission, and noting that the presence of the United Nations military observers continues to be essential to maintaining conditions that are conducive to a negotiated settlement of the disputed issue of Prevlaka,

*Recalling* the relevant principles contained in the Convention on the Safety of the United Nations and Associated Personnel of 9 December 1994 and the statement of its President of 10 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,

1. *Authorizes* the United Nations military observers to continue monitoring the demilitarization of the

Prevlaka peninsula, in accordance with resolutions 779(1992) and 981(1995) and paragraphs 19 and 20 of the report of the Secretary-General of 13 December 1995, until 15 July 2001;

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

3. *Calls upon* the parties to resume talks on the disputed issue of Prevlaka as soon as possible and encourages them to make use of the recommendations and options to develop confidence-building measures with which they were provided pursuant to its request in resolution 1252(1999) with a view to, inter alia, further facilitating the freedom of movement of the civilian population, and requests the Secretary-General to report by 15 April 2001;

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

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

6. *Reiterates its call* upon the parties to put a comprehensive demining programme in place in the identified minefields in the area of responsibility of the United Nations Mission of Observers in Prevlaka;

7. *Requests* the United Nations military observers and the multinational Stabilization Force authorized by the Council in resolution 1088(1996) of 12 December 1996 and extended by resolution 1305(2000) of 21 June 2000 to cooperate fully with each other;

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

**Reports of Secretary-General (April and July).** The Secretary-General, in his April report on UNMOP [S/2001/350], said that the situation in the DMZ and the UN-controlled zone remained stable and calm. In the latter zone, the long-standing violations of the security regime remained unchanged, with both parties continuing to maintain police positions on their respective sides of the zone and manned Croatian and Montenegrin checkpoints at Cape Kobila. On 21 March, the Chief Military Observer, escorting a visiting representative of a Security Council member, was denied permission to proceed through the Croatian-erected checkpoint. In violation of the regime forbidding entry of civilians into the zone, a civilian van was observed within it on 17 March, reportedly conducting a survey on behalf of the Croatian telecommunications authorities.

No new developments were reported concerning the 1999 package of recommendations and

options for confidence-building [YUN 1999, p. 312] conveyed to the parties by the Secretariat. During recent consultations with UNMOP, neither party expressed an interest in pursuing the options that formed part of the package.

The Secretary-General said it was incumbent on the parties to resume discussions aimed at reaching a negotiated solution. In that regard, the package for confidence-building mentioned above remained available as a way of achieving progress, and UNMOP stood ready to assist in the development of practical arrangements to give effect to any agreement that the parties might reach. He intended to explore with them ways to move the political process forward.

In his July report [S/2001/661], the Secretary-General advised the Council that UNMOP had been informed by Croatia that it was disbanding the Special Police that helped to maintain control of the DMZ and replacing it with a newly formed Police Intervention Unit and regular uniformed police. The number of Croatian police stationed in the DMZ had since been significantly reduced. However, there was no change in the disposition of the Montenegrin Border Police and Special Police personnel stationed on the Yugoslav side. On 19 and 22 June, Croatian officials at the Brgat/Ivancija crossing point between Bosnia and Herzegovina and Croatia prevented UN vehicles carrying administrative supplies from UNMIBH to UNMOP from transiting through Croatia.

In the UN-controlled zone, where the number of Croatian police stationed had also been reduced, each side currently maintained a strength of 10 police. The agreed security regime in the zone continued to be violated by both sides permitting the unauthorized entry of civilians, including: police-escorted busloads of some 100 sightseers from Croatia on 16 April; a vehicle bearing Croatian military licence plates on 25 April; and, on 29 April, some 60 vehicles from Croatia carrying about 120 persons protesting a government decision on land ownership.

The Secretary-General concluded that, while the parties remained committed to reaching a negotiated solution on Prevlaka, he was of the view that more time was required for progress to be made. Croatia's reduction of the number of its police in the DMZ reflected its confidence that the area was likely to remain calm and stable—an assessment that accorded with UNMOP's. To ensure that calm and to maintain the stability essential for meaningful progress towards a political settlement, the Secretary-General recommended that UNMOP's mandate be extended for a further six months, to 15 January 2002.

That recommendation was supported by Croatia and FRY in letters of 9 [S/2001/680] and

3 [S/2001/668] July, respectively, to the Council President.

#### SECURITY COUNCIL ACTION

On 11 July [meeting 4346], the Security Council unanimously adopted **resolution 1362(2001)**. The draft [S/2001/681] was prepared in consultations among Council members.

#### *The Security Council,*

*Recalling* all its earlier relevant resolutions, including resolutions 779(1992) of 6 October 1992, 981(1995) of 31 March 1995, 1088(1996) of 12 December 1996, 1147(1998) of 13 January 1998, 1183(1998) of 15 July 1998, 1222(1999) of 15 January 1999, 1252(1999) of 15 July 1999, 1285(2000) of 13 January 2000, 1307(2000) of 13 July 2000, 1335(2001) of 12 January 2001 and 1357(2001) of 21 June 2001,

*Having considered* the report of the Secretary-General of 3 July 2001 on the United Nations Mission of Observers in Prevlaka,

*Recalling* the letters to its President from the Chargé d'affaires a.i. of the Federal Republic of Yugoslavia of 5 July 2001 and from the Chargé d'affaires a.i. of the Republic of Croatia of 9 July 2001 addressed to the President of the Security Council concerning the disputed issue of Prevlaka,

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

*Noting once again* the Joint Declaration signed at Geneva on 30 September 1992 by the Presidents of the Republic of Croatia and the Federal Republic of Yugoslavia, in particular articles 1 and 3, the latter reaffirming their agreement concerning the demilitarization of the Prevlaka peninsula, and the Agreement on Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia of 23 August 1996,

*Noting with satisfaction* that the overall situation in the area of responsibility of the Mission has remained stable and calm despite continuing violations of the demilitarization regime, including limitations placed on the free movement of United Nations military observers,

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

*Welcoming* the joint statement by the Presidents of the Republic of Croatia and the Federal Republic of Yugoslavia issued in Verbania, Italy, on 8 June 2001 in which they expressed their commitment to normalize the bilateral relations between their countries, with a special emphasis on facilitating the free movement of persons, commodities and ideas, and to implement bilateral agreements already signed,

*Commending* the role played by the Mission, and noting that the presence of the United Nations military observers continues to be essential to maintaining conditions that are conducive to a negotiated settlement of the disputed issue of Prevlaka,

*Recalling* the relevant principles contained in the Convention on the Safety of the 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,

1. *Authorizes* the United Nations military observers to continue monitoring the demilitarization of the Prevlaka Peninsula, in accordance with resolutions 779(1992) and 981(1995) and paragraphs 19 and 20 of the report of the Secretary-General of 13 December 1995, until 15 January 2002, and requests the Secretary-General to continue to report to the Council where appropriate;

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

3. *Welcomes* the resumption of talks between the Governments of the Republic of Croatia and the Federal Republic of Yugoslavia, and urges the parties to continue their talks with the aim of fulfilling rapidly and in good faith their commitment to a negotiated resolution on the disputed issue of Prevlaka in accordance with article 4 of the Agreement on Normalization of Relations;

4. *Encourages* the parties to consider all confidence-building measures, including the options provided to them pursuant to resolution 1252(1999), that could help facilitate a solution to the disputed issue of Prevlaka;

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

6. *Requests* the United Nations military observers and the multinational Stabilization Force authorized by the Council in resolution 1088(1996) of 12 December 1996 and extended by resolution 1357(2001) of 21 June 2001 to cooperate fully with each other;

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

**Further developments.** In a later report on UNMOP [S/2002/1], the Secretary-General said that more than 85 per cent of the recorded unauthorized entries in the UN-controlled zone in 2001 had occurred from the Croatian side. On 21 September, a twin-engine jet originating from Montenegro overflew the zone, and, on 8 November, Croatian workmen employed a trench-digger to lay a communications cable in the zone.

In November, Croatia began a demining programme in a section of the northern DMZ, which was to continue until May 2002. There was no systematic demining on the Yugoslav side.

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## Bosnia and Herzegovina

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In 2001, the United Nations Mission in Bosnia and Herzegovina (UNMIBH) continued its efforts to bring about as complete a fulfilment as possible of the provisions set forth in the 1995 General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the Peace Agreement) [YUN 1995, p. 544] by the two multi-ethnic entities of 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).

As designated by the 1995 Peace Implementation Conference [ibid., p. 547] and with the Security Council's agreement in resolution 1031(1995) [YUN 1995, p. 548], the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina, under the overall management of the Peace Implementation Council and its Steering Board and in cooperation with UNMIBH, continued to monitor, mobilize and coordinate the implementation activities by the parties of the Peace Agreement's civilian aspects [ibid., p. 547]. The multinational Stabilization Force (SFOR), under the command of the North Atlantic Treaty Organization (NATO), likewise continued to oversee their compliance with the Agreement's military aspects, in addition to lending support to UNMIBH.

Progress in the peace implementation process and related political developments in the country during the year (detailed in the following sections) was reported at regular intervals to the Council by the Secretary-General and by the High Representative and SFOR through the Secretary-General.

In anticipation of the completion of UNMIBH's core mandate by the end of 2002 as scheduled, the Council, in addition to extending UNMIBH until July of that year, began to consider what form a continued UN and international civilian presence in the country would take beyond 2002.

### GENERAL ASSEMBLY ACTION

On 21 December [meeting 91], the General Assembly adopted **resolution 56/215** [draft: A/56/L.65 & Add.1] without vote [agenda item 40].

#### The situation in Bosnia and Herzegovina

*The General Assembly,*

*Recalling* its resolution 55/24 of 14 November 2000 and all previously adopted resolutions, as well as all relevant resolutions of the Security Council, regarding the situation in Bosnia and Herzegovina,

*Reaffirming its support* for the independence, sovereignty, legal continuity and territorial integrity of Bosnia and Herzegovina, within its internationally recognized borders, and also reaffirming its support for the equality of the three constituent peoples and others in Bosnia and Herzegovina as a united country, with two multi-ethnic entities, according to the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement"), signed in Paris on 14 December 1995, which constitute the key mechanism for the achievement of a durable and just peace in Bosnia and Herzegovina,

*Noting* the significant progress that has been made since 1995 in implementing the provisions of the Peace Agreement, strengthening the rule of law in all of Bosnia and Herzegovina, and consolidating Bosnia and Herzegovina as a modern democratic State and civic society, fully respectful of the rule of law and committed to encouraging economic growth and promoting well-being for all its citizens,

*Welcoming* the commitment of the Government to speeding up the overall process of the reconstruction and democratization of Bosnia and Herzegovina, and noting the gradual progress that has been made in the development of efficient common institutions of Bosnia and Herzegovina,

*Noting* that corruption and the lack of transparency seriously hamper the economic development of Bosnia and Herzegovina, reiterating the need to combat all corruption, welcoming the important contribution made in that regard by the Customs and Fiscal Assistance Office, and expressing its full support for the efforts of the Council of Ministers of Bosnia and Herzegovina and local bodies and of others that are supportive in that regard,

*Welcoming* the overall progress that has been made in supporting the return of refugees to all parts of the country, and reaffirming the most important principle that all who were forced to leave should feel free and secure to return to their homes,

*Noting* the importance for the future of Bosnia and Herzegovina for prosecutors to conclude successfully their investigation of war crimes and the whereabouts of those still missing after the war in Bosnia and Herzegovina, as well as the importance of 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, especially with regard to surrendering all already indicted war criminals to the Tribunal,

*Welcoming* the efforts of the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina, reaffirming the fundamental importance of strengthening all aspects of the rule of law, and noting in that regard the ruling of the Constitutional Court of Bosnia and Herzegovina on the equality of the three constituent peoples throughout the territory of Bosnia and Herzegovina and progress made by the United Nations Mission in Bosnia and Herzegovina in ensuring a fully representative police force, free of corruption and dedicated to enforcing the laws of the country in an impartial way,

*Reaffirming* the importance for the future of Bosnia and Herzegovina of its successful integration into Europe, noting in that regard the progress made in ful-

filling the conditions for entry into the Council of Europe, especially the adoption of the electoral law, welcoming the progress made in fulfilling conditions towards participation in the European Union Stabilization and Association Agreement, and stressing that the Stability Pact for South-Eastern Europe provides an additional contribution to the improvement of regional cooperation,

*Welcoming* the significant improvement of the overall mutual cooperation among the successor States of former Yugoslavia and the region as a whole, also welcoming the Memorandum of Understanding on intra-regional trade liberalization signed on 27 June 2001 in Brussels, the agreement reached in Vienna regarding the succession of former Yugoslavia and its implementation, and underlining the importance of the establishment of diplomatic relations between the Federal Republic of Yugoslavia and Bosnia and Herzegovina,

*Reaffirming* the need to combat corruption, smuggling, human trafficking, organized crime, and extremism and other illegal activities, and noting in that regard the establishment of the State Border Service, which is expected to be completed in 2002,

*Recognizing* the importance of demining and assistance to mine victims for the safety of citizens of Bosnia and Herzegovina, and for the return of refugees and internally displaced persons,

*Welcoming* the achievements, and encouraging further efforts, in reducing military assets in line with the Agreement on Subregional Arms Control, welcoming the finalizing of the negotiations led by the Organization for Security and Cooperation in Europe within the framework of article V of annex I-B of the Peace Agreement, and emphasizing the importance of the declaration issued by the Joint Presidency of Bosnia and Herzegovina to commence the process of the formal admission of Bosnia and Herzegovina to the Partnership for Peace,

1. *Notes* that it is the people and the Council of Ministers of Bosnia and Herzegovina who are ultimately responsible for the future of the country, and urges them to work rapidly and intently on economic reform, refugee returns, joint State institution-building and full respect for the rule of law;

2. *Calls* for the full and early implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement") which is essential for stability and cooperation in the region and the reintegration of Bosnia and Herzegovina at all levels;

3. *Welcomes* the progress that has been made towards the implementation of the Peace Agreement by the Government and its commitment to the full, comprehensive and consistent implementation thereof;

4. *Also welcomes* the prompt action of the State and entity institutions in adopting the comprehensive plan of action to prevent terrorist activities, increase security and protect people and property in Bosnia and Herzegovina, further welcomes the active role of Bosnia and Herzegovina in global efforts against terrorism, and in that regard calls upon Bosnia and Herzegovina to work with the international community to establish the State Border Service and have it fully deployed by the end of 2002, in accordance with the time frame of the United Nations Mission in Bosnia and Herzegovina;

5. *Supports fully* the efforts of the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina, in accordance with the Peace Agreement and subsequent declarations of the Peace Implementation Council, and notes the continuing need for the High Representative to use fully the authority of his office to deal with obstructionists, reaffirming the concept of “partnership” between the newly elected authorities of Bosnia and Herzegovina and the international community;

6. *Encourages* the political leadership of Bosnia and Herzegovina to extend cooperation with the States of South-Eastern Europe so as to promote and strengthen stability and confidence in the region;

7. *Urges* the entity parliaments and cantonal assemblies to implement promptly and fully the provisions of the ruling of the Constitutional Court of Bosnia and Herzegovina on the equality of all three constituent peoples throughout the territory of Bosnia and Herzegovina, and also urges the Constitutional Court to rule further on the status of those other than the three constituent peoples;

8. *Demands* that all the parties to the Peace Agreement fulfil their obligations towards the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, and encourages the authorities of Bosnia and Herzegovina to develop, in close cooperation with the international community, national court capacities to investigate and prosecute cases of war crimes;

9. *Urges* Member States, taking into account the orders and requests of the International Tribunal, to cooperate fully with it, in particular with regard to surrendering indictees, and to provide adequate financial support to the Tribunal;

10. *Reaffirms* the right of refugees and displaced persons to return voluntarily to their homes of origin in accordance with annex 7 of the Peace Agreement, encourages the acceleration of the peaceful, orderly and phased return of refugees and displaced persons, including in areas where they would be the ethnic minority, strongly condemns all acts of intimidation, violence and killings, including those acts designed to discourage the voluntary return of refugees and displaced persons, demands that such acts be investigated and prosecuted, supporting the effective engagement of the Commission for Real Property Claims of Displaced Persons and Refugees, and calls upon all sides to implement the property laws imposed on 27 October 1999, in particular by evicting illegal occupants from the homes of returning refugees, and to ensure respect for individual rights to return and the establishment of the rule of law;

11. *Encourages* all concerned parties to provide information on all persons unaccounted for through the tracing mechanisms of the International Committee of the Red Cross and to cooperate fully with the Committee in its efforts to determine the identities, whereabouts and fate of those persons;

12. *Welcomes* the efforts of international and regional organizations, Member States and non-governmental organizations in Bosnia and Herzegovina, including through the Board of Donors and the Slovenian International Trust Fund for Demining and Mine Victims Assistance, and calls upon Member

States to continue to support mine-action activities in Bosnia and Herzegovina;

13. *Stresses* the importance of establishing, strengthening and expanding throughout Bosnia and Herzegovina a free and pluralistic media, and deplores any actions that seek to intimidate or restrict the freedom of the media;

14. *Also stresses* the importance of the restoration and rebuilding of the historical and cultural heritage of Bosnia and Herzegovina in its original form;

15. *Further stresses* the need for a more comprehensive approach to implementing economic reforms, and underlines the fact that a self-sustainable, market-oriented economy operating in a single economic space, expeditious and transparent privatization, improved banking and capital markets, reformed financial systems, the provision of adequate social protection and the adoption by both entities of a law on pension reforms that meet economic standards are crucial for achieving lasting peace and stability in Bosnia and Herzegovina;

16. *Supports* the efforts by the High Representative and the Commander of the multinational Stabilization Force to weaken the continued political and economic influence of remaining parallel structures obstructing peace implementation;

17. *Notes* that the authorities of Bosnia and Herzegovina have defined the common defence policy of Bosnia and Herzegovina, affirming the importance for the national development of Bosnia and Herzegovina of creating, on the basis of agreed principles, a joint military command and seeking to establish a military structure of the appropriate size based on future projections and the legitimate security needs of Bosnia and Herzegovina which will contribute to regional security, and encourages them to carry out its conclusions promptly, fully and in full accordance with the Peace Agreement;

18. *Commends* the efforts of the international community, recognizes the continued importance of its role, welcomes its readiness to continue and streamline its efforts towards a self-sustainable peace, and recalls that the responsibility for consolidating peace and security lies with the authorities of Bosnia and Herzegovina;

19. *Decides* to include in the provisional agenda of its fifty-seventh session the item entitled “The situation in Bosnia and Herzegovina”.

On 24 December, the Assembly decided that the item on the situation in Bosnia and Herzegovina would remain for consideration during its resumed fifty-sixth (2002) session (**decision 56/464**).

### Implementation of Peace Agreement

**Communications.** The Croat member of the Bosnia and Herzegovina Joint Presidency, Ante Jelavic, by a 6 February letter [S/2001/114] to the Secretary-General and the Security Council President, protested the recent decision by the Mission of the Organization for Security and Cooperation in Europe (OSCE) in Bosnia and Herzegovina that revised election rules and pro-

cedures in respect of the 11 November 2000 national elections [YUN 2000, p. 349], specifically the mode of electing Croat representatives to the House of Peoples of the Federation of Bosnia and Herzegovina. He claimed the decision deprived the Federation's Croat constituency of the right to elect its own representatives to that legislative body, in clear violation of the concept of equal power-sharing established by the 1995 Peace Agreement.

That the OSCE Mission's representative had characterized the decision as "unconstitutional but democratic" and that the country's Constitutional Court had expressed itself as not competent to assess the decision's constitutional status pointed to the inconsistency in the interpretation of the Peace Agreement and thus to the need for its reformulation. In the circumstances, Mr. Jelavic called on the Council to mandate a conference to review the Agreement's implementation and necessary revision.

The European Union (EU), in a 22 February statement [S/2001/181], welcomed the formation on that date of the new Council of Ministers in Bosnia and Herzegovina and called on it to undertake serious reforms to improve the country's social and economic situation and work for the benefit of all its peoples. The EU also called on all political parties to respect the results of the November 2000 elections [YUN 2000, p. 349], adding that it expected no further delay either in the formation of governments at all other levels or in the election of delegates to the House of Peoples at the State and Federation levels.

In an 8 March declaration [S/2001/212], the EU condemned recent unilateral moves by the so-called Croat National Congress of Bosnia and Herzegovina led by the Croat Democratic Union (HDZ) to place itself outside the provisions of the Peace Agreement (see p. 339). It said such efforts were in vain and detrimental to the interests of the Bosnian Croats and all other peoples in Bosnia and Herzegovina. It called, in particular, on the Bosnian Croats to work within that country's legal institutions to defend their legitimate interests.

**Security Council consideration.** The Security Council, on 22 March [meeting 4303], was briefed by Wolfgang Petritsch (Austria), High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina. He said that, while the results of the November 2000 general elections in Bosnia and Herzegovina were seen as a disappointment, the shift to more moderate parties was both real and encouraging. That change had led to the formation of the country's first non-nationalist Government at the State level, as well as in the mainly Bosniac-Croat Fed-

eration. In the predominantly Serb entity of Republika Srpska, a moderate technocrat headed the Government. The country's new State-level Prime Minister, Bozidar Matic, had announced plans to implement market reforms, create jobs and get the hundreds of thousands of citizens who remained Bosnian refugees or displaced persons to return to their homes.

However, the High Representative was forced to remove Ante Jelavic, in March, as a member of the Joint Presidency and had banned his involvement with any political party, including HDZ, which he had led until recently. Three of his hard-line deputies were under the same ban. Mr. Jelavic had threatened the country's constitutional order and peace. In particular, his HDZ party, claiming to speak for the Bosnian Croats, had announced a plan for self-rule. HDZ was subsequently banned by OSCE for breaching election rules.

A record number of refugees (more than 67,000) returned home in 2000, despite criminal incidents aimed at scaring them away. In January 2001, the payments bureaux, the old communist monopoly on financial transactions, were finally closed down and replaced by commercial banks. The controversial law to end the cycle of pension payment arrears was working and the angry protests had stopped. The High Representative said that, unfortunately, he had had to impose too many of the positive advances in Bosnia and Herzegovina, but he believed that, with new administrations in place, the country for the first time had leaders who wanted to get on with the process of governing themselves. Both the new State and entity governments had ambitious plans to further the reforms to attract domestic and foreign investors and to balance official budgets.

Unfortunately, the High Representative also had to remove Edhem Bicakcic in February, until recently the Federation's Prime Minister and a senior member of the Bosniac Party of Democratic Action (SDA), from his post as director of the power utility, Elektroprivreda. Mr. Bicakcic was under four separate criminal investigations for fraud and abuse of public office. His removal sent a clear signal to officials to clean up their acts and, along with the State-level court created to arbitrate international trade disputes, had done much to bolster investor confidence.

The High Representative further reported that he had decided to set up constitutional commissions in both entities to ensure that the 2000 Constitutional Court decision on the so-called constituent peoples' case [YUN 2000, p. 349] was put in place on an interim basis until full implementation later in the year. Additionally, he had established the Independent Judicial Commission

[*ibid.*, p. 351] to effect reforms in the courts and prosecutors' offices across the country.

#### SECURITY COUNCIL ACTION

On 22 March [meeting 4304], following consultations among Security Council members, the President made statement **S/PRST/2001/11** on behalf of the Council:

The Security Council welcomes the briefing by the High Representative for the implementation of the General Framework Agreement on Peace in Bosnia and Herzegovina and the annexes thereto (collectively the Peace Agreement) on the situation in Bosnia and Herzegovina and commends his efforts in implementing this agreement.

The Council encourages further regional political and economic cooperation, in compliance with the principles of the sovereignty and territorial integrity and the inviolability of the borders of Bosnia and Herzegovina and the other States of the region.

The Council welcomes the new State-level and entity-level Governments formed after the general elections of 11 November 2000 and calls on them to take active measures to make further progress on the return of refugees, consolidation of the State institutions, and economic reform. It welcomes the progress on creating a State Level Defence Identity in full compliance with the relevant provisions of the Peace Agreement and encourages the Presidency of Bosnia and Herzegovina to finalize the unresolved details without delay.

The Council welcomes the establishment of Constitutional Commissions to protect the vital interest of the constituent peoples to facilitate the implementation of the "Constituent Peoples decision" of the Constitutional Court of Bosnia and Herzegovina of 1 July 2000 and calls upon the entity parliaments to engage in the debate about the necessary amendments to their respective constitutions in the light of proposals examined by the Constitutional Commissions.

The Council notes the recent conclusion of the Agreement on a Special Relationship between the Federal Republic of Yugoslavia and the Republika Srpska and urges the High Representative to monitor its implementation and any amendments to it, in order to ensure that it remains consistent with the territorial integrity and sovereignty of Bosnia and Herzegovina as a whole and with the Peace Agreement.

The Council condemns recent unilateral moves by the so-called Croat National Congress to establish Croat self-rule in open contradiction of the provisions of the Peace Agreement, and calls on all parties to work within the legal institutions and constitutional framework of Bosnia and Herzegovina and the entities. It expresses its support for the High Representative in taking actions against persons holding public office who are found to be in violation of legal commitments made under the Peace Agreement or the terms for its implementation.

The Council welcomes the progress made on the return of refugees and property law implementation in the year 2000, but remains concerned at the slow

pace of refugee return, particularly in urban areas. The Council insists on the responsibility of the local authorities to accelerate the rate of return and property law implementation.

The Council urges all political parties in Bosnia and Herzegovina and their respective leaders to engage constructively within the legal institutions of that country in order to implement fully the Peace Agreement.

#### Civilian aspects

The civilian aspects of the 1995 Peace Agreement [YUN 1995, p. 544] entailed a wide range of activities, including humanitarian aid, infrastructure rehabilitation, establishment of political and constitutional institutions, the promotion of respect for human rights and the holding of free and fair elections. The High Representative, who chaired the Steering Board of the Peace Implementation Council (PIC) and other key implementation bodies, was the final authority with regard to implementing the civilian aspects of the Peace Agreement. UNMIBH, which comprised a UN civilian office, the International Police Task Force (IPTF) and the Mine Action Centre (MAC), reported to the Secretary-General through the Special Representative and Coordinator of United Nations Operations in Bosnia and Herzegovina, Jacques Paul Klein (United States).

The PIC Steering Board, which met regularly at the political-director level, held meetings on 21 June, 12 September, 30 October and 6 December, during which it discussed streamlining the international civilian implementation of the Peace Agreement (see p. 337).

**Reports of High Representative.** During the year, the High Representative issued progress reports covering the periods from 1 October 2000 to 23 February 2001 [S/2001/219], 24 February to 11 June [S/2001/723] and 12 June to 25 August [S/2001/868]. A later report covered activities from 26 August to the end of the year [S/2002/209]. All described activities in the civilian implementation of the Peace Agreement, which he had been mandated to monitor, mobilize and coordinate. (For details, see below under specific subjects.)

#### *UN Mission in Bosnia and Herzegovina (UNMIBH)*

**Report of Secretary-General (June).** On 7 June [S/2001/571 & Corr.1], the Secretary-General, reporting on UNMIBH activities, said that, in the area of police reform, registration of all police personnel, including prison staff, court police, the State Border Service and local Interpol, had been completed by May. Of the 24,007 law enforcement personnel registered, over 9,300 had been granted provisional authorization to exer-

cise police powers. The core reform programme would be completed by late 2002, with every law enforcement officer appropriately vetted before receiving final certification. A criterion for certification was the regularization of the housing status of police personnel, which continued, with 1,129 of them having done so in the preceding year. UNMIBH had repeatedly requested the High Representative to raise the salaries of police to enable them to rent private housing and to give them priority allocation of alternative municipal accommodation. Meanwhile, UNMIBH had been helping them, on a case-by-case basis, to repossess their own property, qualify for reconstruction assistance or find other legal accommodation.

UNMIBH's police training programme was nearing conclusion, with compulsory courses expected to be completed by June/July. Specialized training had been concluded, while training in handling hazardous materials and exercises in inter-entity police cooperation were ongoing. In February, UNMIBH issued a new policy for monitoring and sanctioning local police performance, comprising "performance reports", which recorded minor acts of inadequate performance, and "non-compliance reports", which recorded serious lapses of duty or violations of law requiring disciplinary measures and placement under intensive IPTF scrutiny. Officers issued with more than one non-compliance report were automatically considered for de-authorization. In February, the Bratunac Police Chief and the Chief Criminal Investigator were de-authorized and several police received non-compliance reports after repeated failures to respond adequately to serious crimes against returning Bosniac refugees and displaced persons. Six police chiefs were also de-authorized for signing a statement renouncing the Federation's authority following the 6 April mob violence in Mostar and Grude over the change of administration at the Herzegovacka Bank, funded and controlled by Croat separatist elements (see p. 344). Police failure to maintain public order during the stone-laying ceremonies for new mosques in Trebinje and Banja Luka in early May resulted in the removal of Trebinje's Public Security Centre Chief and the issuance of a non-compliance report to the town's Chief of Crime Investigation; five Banja Luka police officers were suspended. UNMIBH took the lead in establishing and training police support units for dealing with mob violence, which, to be effective, required vehicles and other equipment.

Police performance had improved, but investigation of incidents of return-related violence remained lethargic and inadequate, particularly in

eastern Republika Srpska. Operational capacity and political will were too deficient to deal with violent demonstrations, as in Mostar, Banja Luka and Trebinje. Seriously impairing police performance were three endemic problems: irregular payment of already inadequate wages; the consequent inability of officers to resolve their housing status and unwillingness of minority officers to redeploy across entity lines; and lack of efficient and impartial judicial follow-up to police work, creating a disincentive to professionalism and allowing ethnic extremists and criminals to remain at large. Continuing political interference aggravated those problems.

As for police restructuring, a comprehensive IPTF co-location project called "Manage the Managers", launched in February to address the institutional capacity of law enforcement institutions, was under way in eight Federation cantons and was being extended to public security centres in Republika Srpska. Under the project, IPTF monitors were also being co-located with crime, legal, personnel, finance and budget departments. In February, the pilot project launched in Canton 9 (Sarajevo) under the UNMIBH police commissioner project, aimed at creating an apolitical police service, had to be suspended pending revisions to the Law on Internal Affairs to depoliticize selection procedures. Legislative amendments were also being prepared in three other cantons.

On 20 March, a Bosnian Croat was designated interim Director of the Federation's Ministry of the Interior, whom certain Bosniac political leaders sought to undermine and remove, along with his deputy. No progress was made in establishing a Director of Police for Republika Srpska.

The proportion of minorities in local police forces remained low: 5.7 per cent of a targeted 28 per cent in the Federation and 2.2 per cent of a targeted 20 per cent in Republika Srpska. Representation of females of all ethnicities was also low, averaging 3 per cent in both entities. Since the initiation of minority police officers projects in 1999, the police academies had enrolled or graduated over 830 minority cadets. The first four rounds of UNMIBH's voluntary redeployment programme had resulted in the transfer of 54 minority officers. Thirty-four minority members had completed refresher courses for former police officers; another such course was currently in progress.

UNMIBH's Criminal Justice Advisory Unit, besides continuing its primary task of advising IPTF on criminal procedure and the criminal justice process, instituted a major project whose goal was to improve the quality of police crime reports by using selected prosecutors to train key local

police officers. Progress was slowly being made in the establishment of a court police service as a multi-ethnic Federation police force.

The State Border Service had made appreciable progress towards becoming a viable multi-ethnic State-level law enforcement institution, expanding from 376 personnel deployed at four border crossings in 2000 to over 1,180 deployed across 62 per cent of the 1,666-kilometre border. Wide deployment and full effectiveness of the service continued to be hampered, however, by a lack of financial and material resources.

Major strides were also made in fostering cooperation among police forces in Bosnia and Herzegovina and at the regional level. In March, under the auspices of the UNMIBH-chaired Ministerial Consultative Meeting on Police Matters (MCMPM), all domestic police organizations signed a Cooperative Law Enforcement Arrangement for a Border Police Academy in Suhodol, outside Sarajevo. Through MCMPM, UNMIBH concluded the regional Cooperative Law Enforcement Arrangement Combating Illegal Migration and Organized Crime. A document formalizing that Arrangement was signed on 14 May by the Bosnia and Herzegovina entities, Croatia, FRY and the State Border Service.

A campaign called "Your Police Serving You" was launched nationwide on 26 March to increase public awareness of the principles of democratic policing. Each police organization was encouraged to develop its own public relations programme. In June, another multi-ethnic police recruitment campaign was launched, aimed at increasing the percentage of female applicants to police academies.

The Secretary-General observed that, despite the difficult political environment, UNMIBH continued to make measurable progress in implementing its mission. In view of the progress it had achieved so far and of the planned completion of its core tasks by December 2002, he recommended that its mandate be extended for a further 12-month period, to June 2002.

#### SECURITY COUNCIL ACTION

On 15 [meeting 4330] and 21 [meeting 4333] June, the Security Council met to consider the Secretary-General's report on UNMIBH. On 21 June, the Council unanimously adopted **resolution 1357(2001)**. The draft [S/2001/610] was prepared in consultations among Council members.

#### *The Security Council,*

*Recalling* all its previous relevant resolutions concerning the conflicts in the former Yugoslavia, including resolutions 1031(1995) of 15 December 1995, 1035(1995) of 21 December 1995, 1088(1996) of 12 December 1996, 1144(1997) of 19 December 1997, 1168

(1998) of 21 May 1998, 1174(1998) of 15 June 1998, 1184(1998) of 16 July 1998, 1247(1999) of 18 June 1999 and 1305(2000) of 21 June 2000,

*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,

*Underlining its commitment* to supporting implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the "Peace Agreement"),

*Emphasizing its appreciation* to the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina, the Commander and personnel of the multinational Stabilization Force, the Special Representative of the Secretary-General and the personnel of the United Nations Mission in Bosnia and Herzegovina, including the Commissioner and personnel of the International Police Task Force, the Organization for Security and Cooperation in Europe, and the personnel of other international organizations and agencies in Bosnia and Herzegovina for their contributions to the implementation of the Peace Agreement,

*Noting* that the States in the region must play a constructive role in the successful development of the peace process in Bosnia and Herzegovina, and noting especially the obligations of the Republic of Croatia and the Federal Republic of Yugoslavia in this regard as signatories to the Peace Agreement,

*Welcoming*, in this regard, the positive steps taken by the Governments of the Republic of Croatia and the Federal Republic of Yugoslavia to strengthen their bilateral relations with Bosnia and Herzegovina, as well as their increasing cooperation with all relevant international organizations in implementing 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 Conference,

*Noting* the reports of the High Representative, including his latest report of 13 March 2001,

*Having considered* the report of the Secretary-General of 7 June 2001, and welcoming the Mandate Implementation Plan of the Mission,

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

*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,

*Acting* under Chapter VII of the Charter,

#### I

1. *Reaffirms once again its support* for the General Framework Agreement for Peace in Bosnia and Herze-

govina and the annex thereto (collectively the "Peace Agreement"), as well as for the Dayton Agreement on Implementing the Federation of Bosnia and Herzegovina of 10 November 1995, calls upon the parties to comply strictly with their obligations under those Agreements, and expresses its intention to keep the implementation of the Peace Agreement and the situation in Bosnia and Herzegovina under review;

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 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 that full cooperation by States and entities with the International Tribunal includes, inter alia, the surrender for trial of all persons indicted by the Tribunal and 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 the High Representative is the final authority in theatre regarding the interpretation of annex 10 on 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 on 9 and 10 December 1997;

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

6. *Recognizes* that the parties have authorized the multinational force referred to in paragraph 10 below to take such actions as required, including the use of necessary force, to ensure compliance with annex 1-A of the Peace Agreement;

7. *Reaffirms its intention* to keep the situation in Bosnia and Herzegovina under close review, taking into account the reports submitted pursuant to paragraphs 18 and 25 below, and any recommendations 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;

## II

8. *Pays tribute* to those Member States which participated in the multinational Stabilization Force established in accordance with its resolution 1088(1996), and welcomes their willingness to assist the parties to the Peace Agreement by continuing to deploy a multinational Stabilization Force;

9. *Notes* the support of the parties to the Peace Agreement for the continuation of the Stabilization Force, set out in the declaration of the ministerial meeting of the Peace Implementation Council in Madrid on 16 December 1998;

10. *Authorizes* the Member States acting through or in cooperation with the organization referred to in annex 1-A of the Peace Agreement to continue for a further planned period of 12 months the Stabilization Force as established in accordance with resolution 1088(1996) under unified command and control in order to fulfil the role specified in annexes 1-A and 2 of the Peace Agreement, and expresses its intention to review the situation with a view to extending this authorization further as necessary in the light of developments in the implementation of the Peace Agreement and the situation in Bosnia and Herzegovina;

11. *Also authorizes* the Member States acting under paragraph 10 above to take all necessary measures to effect the implementation of and to ensure compliance with annex 1-A of the Peace Agreement, stresses that the parties shall continue to be held equally responsible for compliance with that annex and shall be equally subject to such enforcement action by the Stabilization Force as may be necessary to ensure implementation of that annex and the protection of the Force, and notes that the parties have consented to the Force taking such measures;

12. *Authorizes* Member States to take all necessary measures, at the request of the Stabilization Force, either in defence of the Force or to assist the Force in carrying out its mission, and recognizes the right of the Force to take all necessary measures to defend itself from attack or threat of attack;

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

14. *Requests* the authorities in Bosnia and Herzegovina to cooperate with the Commander of the Stabilization Force to ensure the effective management of the airports of Bosnia and Herzegovina, in the light of the responsibilities conferred on the Force by annex 1-A of the Peace Agreement with regard to the airspace of Bosnia and Herzegovina;

15. *Demands* that the parties respect the security and freedom of movement of the Stabilization Force and of other international personnel;

16. *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 paragraph 10 above;

17. *Recalls* all the agreements concerning the status of forces as referred to in appendix B to annex 1-A of the Peace Agreement, and reminds the parties of their obligation to continue to comply therewith;

18. *Requests* the Member States acting through or in cooperation with the organization referred to in annex 1-A of the Peace Agreement to continue to report to the Council, through the appropriate channels and at least at monthly intervals;

\* \*

*Reaffirming* the legal basis in the Charter of the United Nations on which the International Police Task Force was given its mandate in resolution 1035(1995),

### III

19. *Decides* to extend the mandate of the United Nations Mission in Bosnia and Herzegovina, which includes the International Police Task Force, for an additional period terminating on 21 June 2002, and also decides that the Task Force shall continue to be entrusted with the tasks set out in annex II of the Peace Agreement, including the tasks referred to in the conclusions of the London, Bonn, Luxembourg, Madrid and Brussels Peace Implementation Conferences and agreed by the authorities in Bosnia and Herzegovina;

20. *Requests* the Secretary-General to keep the Council regularly informed and to report at least every six months on the implementation of the mandate of the Mission as a whole;

21. *Reiterates* that the successful implementation of the tasks of the International Police Task Force rests on the quality, experience and professional skills of its personnel, and once again urges Member States, with the support of the Secretary-General, to ensure the provision of such qualified personnel;

22. *Reaffirms* the responsibility of the parties to cooperate fully with, and to instruct their respective responsible officials and authorities to provide their full support to, the International Police Task Force on all relevant matters;

23. *Reiterates its call* upon all concerned to ensure the closest possible coordination between the High Representative, the Stabilization Force, the Mission and the relevant civilian organizations and agencies so as to ensure the successful implementation of the Peace Agreement and of the priority objectives of the civilian consolidation plan, as well as the security of International Police Task Force personnel;

24. *Urges* Member States, in response to demonstrable progress by the parties in restructuring their law enforcement institutions, to intensify their efforts to provide, on a voluntary-funded basis and in coordination with the International Police Task Force, training, equipment and related assistance for local police forces in Bosnia and Herzegovina;

25. *Requests* the Secretary-General to continue to submit to the 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;

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

**Report of Secretary-General (November).** In his November report on UNMIBH [S/2001/1132 & Corr.1], the Secretary-General said that the number of police officers granted provisional authorization to exercise police powers had risen to 15,491 (6,625 in Republika Srpska, 8,229 in the Federation, 312 in Brcko District and the remainder in State institutions). Full certification would begin in early 2002 and be completed late that year. However, UNMIBH had identified a significant number of personnel serving in law enforcement positions without proper authorization. Moreover, de-authorized officers were often retained on the payroll or moved to administrative positions outside UNMIBH's authority or to public companies. Only rarely had local officials initiated disciplinary or criminal proceedings.

Under UNMIBH monitoring, local police conducted the majority of basic training courses, while UNMIBH conducted the first management training course for mid-level and senior-level police personnel and completed training programmes in a number of specialized areas. Training in hazardous materials and in anti-terrorism measures continued. With SFOR, UNMIBH developed a practical curriculum for joint training in riot control. In July, it established the Special Trafficking Operations Programme to address human trafficking, under which 90 victims had so far been assisted and seven individuals convicted. However, overall progress in combating that illegal trade was being hampered by weaknesses in the legal system.

Under the police commissioner project, ad interim commissioners had been appointed in the Federation's Ministry of the Interior and six of its cantons, and in Republika Srpska's Ministry of the Interior. However, the related ongoing project introducing necessary amendments to the Laws on Internal Affairs at the cantonal level and in Republika Srpska, in order to create a non-political police service, faced obstruction in the mixed Croat-Bosniac Canton 6 and in three Croat-majority cantons.

To improve internal management and accountability, UNMIBH introduced a disciplinary code that the State Border Police had already adopted and that would serve as a model for Republika Srpska. It also carried out a pilot audit of one canton, to be followed by comprehensive audits of all law enforcement institutions in 2002, with a view to developing modalities for police force restructuring.

Under UNMIBH's minority recruitment programmes, 934 provisionally authorized minority police (11.3 per cent of a total 8,229) were working in the Federation and 211 (3.2 per cent of a total 6,625) in Republika Srpska by November. The

State Border Service and the Brcko District police services were totally multi-ethnic. A positive step towards further minority police deployment to Srebrenica was the appointment of a Bosniac as Deputy Station Commander at the newly opened Srebrenica police station.

The slow provision of donated vehicles and the lack of adequate funding had delayed deployment of the State Border Service field offices and mobile support units. At UNMIBH's request, the International Monetary Fund (IMF) had agreed to give priority to funding the Service in 2002 donor appeals. A joint Entity Task Force, created under MCMPPM auspices, had developed a national anti-terrorist plan, following the 11 September 2001 terrorist attacks in the United States (see p. 60). The Service had put into effect tighter border controls and had drafted amendments to the Law on Immigration and Asylum to further assist in counter-terrorism activities. In the international fight against crime, UNMIBH facilitated the preparation of a draft law, currently before the Bosnia and Herzegovina Presidency, to create a State Information Protection Agency.

The Secretary-General observed that UNMIBH continued to make progress towards completing its core mandate by December 2002, as envisaged in its Mandate Implementation Plan [YUN 2000, p. 345]; thereafter, continued monitoring and assistance necessary to preserve what had been achieved could be undertaken by a police mission one fourth the size of UNMIBH's current strength, with regional actors assuming responsibility for it. Accordingly, he had instructed his Special Representative to cooperate fully with the organizations assessing requirements for a follow-on police mission. An early decision on the matter was important to ensure timely planning and a smooth transition. UNMIBH was also participating in discussions on streamlining the international presence in Bosnia and Herzegovina (see below).

**Later developments.** In a later report [S/2001/618], the Secretary-General stated that, in December, UNMIBH launched a nationwide systems analysis to complete the restructuring of key areas of internal police administration, involving the development of a manual of law enforcement standards and procedures and local self-assessment of compliance with them; on-site assessment by IPTF; the establishment of local police Change Management Teams within each law enforcement agency to consult with UNMIBH on the formulation of recommendations; and the implementation of the Teams' short- and long-term recommendations.

Future UNMIBH and international civilian presence

**Security Council consideration (September).**

The Secretary-General's Special Representative and UNMIBH Coordinator told the Security Council on 21 September [meeting 4379] that UNMIBH was making good headway on its core mandate, notwithstanding the difficulties it faced. It had completed 30 out of 64 projects under the Mandate Implementation Plan [YUN 2000, p. 345], 28 were ongoing and eight were in the planning stage. However, as long as the international community continued its piecemeal approach to the Balkans, opportunities to close a tragic decade of war and instability would be missed. He advocated streamlining the structure and activities of the current international presence in Bosnia and Herzegovina, based on an agreed international strategic plan authorized and supported by the Council. Streamlining should therefore be based on certain elements, among them a comprehensive 2002-2005 Dayton Implementation Plan, with benchmarks and time lines endorsed by key international bodies—the United Nations, the Peace Implementation Council (PIC), the EU, OSCE and NATO—and guaranteed multi-year funding of the agreed programmes. In the medium term, activities for the core programmes—rule of law, refugee return, institution-building and economic development—should be functionally consolidated so that one organization would have primary responsibility for each programme and be held accountable for its execution. SFOR should be included in the process.

In view of the scheduled completion of UNMIBH's core mandate in December 2002, urgent decisions were required for its downsizing and liquidation and to enable the successor organizations to plan the future mission.

In that regard, a post-2002 intrusive police-monitoring mission would be needed to ensure that UNMIBH's achievements were not lost and that the international community's ongoing work was not compromised. The Special Representative proposed two options: a stand-alone police-monitoring mission or a comprehensive rule-of-law mission. The first would ensure the intensive monitoring of local police planning and performance in respect of returnee security, public order and human rights, the maintenance of internal and regional coordination and cooperation, continued minority recruitment, and that police structures were not compromised. That suggested a mission of between 450 and 500 international police personnel. The second option would bring together under one roof the police, the judiciary and the penal system, consistent with the principle of one organization and one responsibility, which would facilitate the in-

roduction of a more efficient “pillar” structure for the organization of the international effort in Bosnia and Herzegovina. Peace implementation by the international community would continue to be a collective endeavour among the five key organizations, but with clearer mandates and responsibilities.

#### **Security Council consideration (December).**

At the Security Council’s 5 December meeting [meeting 4433], the Assistant Secretary-General for Peacekeeping Operations, Hedi Annabi, updated information on UNMIBH operations and plans for a post-UNMIBH mission. He said that, of the Mandate Implementation Plan’s 66 specific projects, 43 had been completed and 23 were ongoing, indicating that UNMIBH was on track to complete its mandate in December 2002. At the same time, important political and operational challenges still lay ahead. Some projects, including those for the removal of police officers based on their wartime record, faced political opposition; legislation for the police commissioner project was still opposed by nationalist parties, mainly in Croat-dominated cantons; and voluntary redeployment of minority police officers remained slow and difficult. Other projects, such as the State Border Service, or the training of riot-control units, depended on securing additional financial assistance. In addition, projects that were designed to establish ongoing mechanisms and structures, such as those for minority recruitment or for inter-entity and regional police cooperation, would require nurturing in a post-UNMIBH setting and continued monitoring and assistance.

Mr. Annabi noted the Secretary-General’s belief that regional actors should assume responsibility for a follow-up mission with the capacity to preserve UNMIBH’s accomplishments, bring to fruition those ongoing projects that would be left by UNMIBH and combine under one roof responsibilities for the police, the judiciary and the penal system. He assessed that that task could be carried out by a mission one fourth the strength of UNMIBH, to include some 450 police officers.

He said the United Nations welcomed the initial steps taken by the High Representative, the EU and OSCE in planning a post-UNMIBH international police-monitoring presence. The Special Representative was cooperating fully with those organizations. The issue was also being discussed at the PIC Steering Board meeting currently in progress in Brussels, Belgium. The Council would be kept informed of developments (see below).

**Consideration by PIC Steering Board.** At its meeting in Stockholm, Sweden, on 21 June, the PIC Steering Board reviewed progress in the im-

plementation of the 1995 Peace Agreement [YUN 1995, p. 544], discussing, among other issues, the streamlining of current international civilian implementation structures in Bosnia and Herzegovina. To facilitate the process, it agreed on a strictly functional and phased approach that should be fully transparent.

Accordingly, at its 6 December meeting in Brussels, the Board endorsed the High Representative’s draft action plan for such streamlining, which called for policy coordination task forces on the rule of law, institution-building, economic policy, and return and reconstruction, as well as for a situation group. At the top of the coordinating structure was a cabinet of lead agencies chaired by the High Representative. The plan also integrated mechanisms to implement the concept of partnership between the international community and the newly elected Bosnia and Herzegovina authorities at various levels, the main one being a consultative partnership forum. The Office of the High Representative subsequently refined the plan to include an assessment of matching multi-year funding requirements and options for the follow-on police mission, for presentation to the Board’s next meeting, scheduled for 28 February 2002.

#### **UNMIBH financing**

In June, the General Assembly considered the Secretary-General’s reports on the financial performance of UNMIBH for the period 1 July 1999 to 30 June 2000 [A/55/683] and the proposed budget for its maintenance and that of UNMOP (see p. 324) and the UN liaison offices in Belgrade and Zagreb for the period 1 July 2001 to 30 June 2002 [A/55/752], together with ACABQ’s related comments and recommendations [A/55/874/Add.5].

#### **GENERAL ASSEMBLY ACTION**

On 14 June [meeting 103], the General Assembly, on the recommendation of the Fifth Committee [A/55/965], adopted **resolution 55/268** without vote [agenda item 148].

#### **Financing of the United Nations Mission in Bosnia and Herzegovina**

*The General Assembly,*

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

*Recalling* Security Council resolution 1035(1995) of 21 December 1995, by which the Council established the United Nations Mission in Bosnia and Herzegovina for an initial period of one year, and Council resolution 1305(2000) of 21 June 2000, by which the Council extended the mandate of the Mission until 21 June 2001,

*Recalling also* Security Council resolution 1335(2001) of 12 January 2001, in which the Council authorized the United Nations military observers to continue to monitor the demilitarization of the Prevlaka peninsula until 15 July 2001,

*Recalling further* its decision 50/481 of 11 April 1996 on the financing of the Mission and its subsequent resolutions and decisions thereon, the latest of which was resolution 54/273 of 15 June 2000,

*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 Mission,

*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 resolutions of the Security Council,

1. *Takes note* of the status of contributions to the United Nations Mission in Bosnia and Herzegovina as at 30 April 2001, including the contributions outstanding in the amount of 78.1 million United States dollars, representing 9 per cent of the total assessed contributions from the inception of the Mission to the period ending 21 June 2001, notes that some 17 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, 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;

3. *Urges* all other Member States to make every possible effort to ensure payment of their assessed contributions to the Mission in full and on time;

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 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;

11. *Decides* to appropriate the amount of 144,676,630 dollars gross (135,728,725 dollars net) for the maintenance of the Mission for the period from 1 July 2001 to 30 June 2002, inclusive of the amount of 4,234,303 dollars gross (3,716,018 dollars net) for the support account for peacekeeping operations and the amount of 442,327 dollars gross (397,207 dollars net) for the United Nations Logistics Base, to be apportioned among Member States at a monthly rate of 12,056,385 dollars gross (11,310,727 dollars net) in accordance with the levels set out in General Assembly resolution 55/235, as adjusted by the Assembly in its resolution 55/236 of 23 December 2000, and taking into account the scale of assessments for the years 2001 and 2002, as set out in its resolution 55/5 B of 23 December 2000, subject to the decision of the Security Council to extend the mandate of the Mission beyond 30 June 2001;

12. *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 11 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 8,947,905 dollars approved for the Mission for the period from 1 July 2001 to 30 June 2002;

13. *Decides further* that, for Member States that have fulfilled their financial obligations to the Mission, there shall be set off against the apportionment, as provided for in paragraph 11 above, their respective share in the unencumbered balance of 25,990,381 dollars gross (24,826,081 dollars net) in respect of the period ending 30 June 2000, in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989 and adjusted by the Assembly in subsequent relevant resolutions and decisions for the ad hoc apportionment of peacekeeping appropriations, the latest of which were resolution 52/230 of 31 March 1998 and decisions 54/456 to 54/458 of 23 December 1999 for the period 1998-2000, and taking into account the scale of assessments for the year 2000, as set out in its resolutions 52/215 A of 22 December 1997 and 54/237 A of 23 December 1999;

14. *Decides* that, for Member States that have not fulfilled their financial obligations to the Mission, their share of the unencumbered balance of 25,990,381 dollars gross (24,826,081 dollars net) in respect of the period ending 30 June 2000 shall be set off against their outstanding obligations in accordance with the scheme set out in paragraph 13 above;

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

16. *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;

17. *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;

18. *Decides* to include in the provisional agenda of its fifty-sixth session the item entitled "Financing of the United Nations Mission in Bosnia and Herzegovina".

On 12 December [A/56/698], the Secretary-General submitted the UNMIBH financial performance report for the period from 1 July 2000 to 30 June 2001.

The General Assembly decided, on 24 December, that the item on the financing of UNMIBH would remain for consideration during its resumed fifty-sixth (2002) session (**decision 56/464**) and that the Fifth Committee should continue to consider the item at that session (**decision 56/458**).

#### *International Police Task Force*

During 2001, the IPTF component of UNMIBH remained below its authorized strength of 2,057 due to difficulties faced by police-contributing countries in meeting the requirements of all peacekeeping missions. As at 31 December, its actual strength stood at 1,674. The overall mandate completion target was predicated on maintaining IPTF strength at 1,850 until July 2002.

Led by Commissioner Vincent Coeurderoy (France), IPTF continued to assist in the restructuring and reform of the police services in the Federation and to monitor local police. To that end, it launched in February a comprehensive co-location project that extended to legal, personnel, finance and budget departments.

#### *Civil affairs*

The High Representative reported in March [S/2001/219] that, following the November 2000 elections in Bosnia and Herzegovina [YUN 2000, p. 349], lengthy delays in establishing the Parliamentary Assembly and the Council of Ministers hampered the functioning of State institutions. Forming a State Government also proved difficult. The House of Representatives rejected the nomination of a Croat, Bozidir Matic, as Chairman of the new Council of Ministers. Nonetheless, the Alliance for Change, a post-election coalition of moderate non-nationalist parties, made important gains that eventually led to the formation, on 22 February, of the new Council, chaired by Mr. Matic. HDZ, which had chosen to boycott the election implementation process and prevented the selection of cantonal delegates to the House of Peoples of the Federation and of Bosnia and Herzegovina, agreed, following the High Representative's intervention, to implement the election results in the cantonal assemblies it controlled. However, unhappy with the Constitutional Court's decision that it had no jurisdiction over the Provisional Election Commission and its decision-making body, the Election Appeals Sub-commission, HDZ vowed to continue its boycott of the Federation House of Peoples. On 9 February,

the High Representative issued a legal opinion, stating that both the House of Peoples and the cantonal assemblies could be constituted by those delegates who had taken their seats, and that boycotting parties and individuals had no right to block the functioning of those bodies.

On 11 January, the High Representative issued a decision restructuring the constitutional commissions in the Federation and the Republika Srpska Parliaments. The commissions would propose amendments to the constitutions of both entities and provisionally protect the constituent peoples and others against discrimination.

In July [S/2001/723], the High Representative further reported that, on 27 March, the Bosnia and Herzegovina House of Representatives elected Beriz Belkic and Jozo Krizanovic as the Bosniac and Croat members, respectively, of the Bosnia and Herzegovina Presidency; the House of Peoples confirmed the election on 30 March. The new Council of Ministers had begun functioning, making progress in implementing its work programme. However, legislative activities and the implementation process were regularly challenged and obstructed by Republika Srpska authorities on the grounds that the Council's legislative agenda invaded Republika Srpska competencies. Progress in the Bosnia and Herzegovina Parliamentary Assembly was less satisfactory, as it had passed no new legislation of major importance. In the House of Representatives, holding together the Alliance for Change coalition was proving difficult; the HDZ delegates, on the other hand, had ended their several months' boycott.

On 12 March, the Alliance for Change coalition formed the Federation's first non-nationalist Government. However, the new Government was challenged by the HDZ leadership and the "Croat National Assembly", which, on 3 March, voted to establish the unconstitutional "Croat Self-Rule in Bosnia and Herzegovina". In late March, HDZ radicals in Mostar tried but failed to oust that city's Mayor, considered an obstacle to the establishment of a separate Croat entity. The "Croat National Assembly" also rejected the Federation Government. On 13 March, HDZ officials ordered the Croat components of the Federation Army to disband; on 28 March, Croat officers and soldiers walked out of their barracks. On 16 May, the Federation Defence Minister and some Bosnia and Herzegovina Croat Generals brokered a tentative agreement giving Croat soldiers one month to return to their barracks.

In February, the High Representative imposed binding arbitration on Republika Srpska and the Federation to resolve their dispute over the delineation of the inter-entity boundary line in

the Bobrinja suburb of Sarajevo. The Arbitrator issued the award on 24 April.

As reported by the High Representative in September [S/2001/868], the Chairman of the Council of Ministers resigned on 22 June, due to the failure of the House of Representatives to adopt the Election Law. He was replaced on 18 July by Foreign Minister Zlatko Lagumdžija of the Social Democratic Party. The High Representative continued to deal with the issue of the so-called Croat Self-Rule, by chipping away at HDZ's financial resources, while assuring the Bosnia and Herzegovina Croats that the international community was aware of and responsive to their legitimate concerns. One result was that a significant but indeterminate number of Bosnian Croat officers and soldiers had renewed their contracts with the Federation Army by the 15 June deadline.

On 23 August, the Bosnia and Herzegovina Parliamentary Assembly finally passed the Election Law, paving the way for the formation of an Election Commission.

To develop a relationship on shared responsibility between the Office of the High Representative and the Council of Ministers, a Consultative Partnership Forum was established for the discussion and resolution of urgent issues, mainly related to the 2000 PIC agenda for accelerating the Peace Agreement's implementation [YUN 2000, p. 338]. The Forum held its first meeting on 2 August. The High Representative also undertook to consult with civil society representatives through a separate consultative structure called the Civic Forum. On 17 July, he imposed harmonizing amendments to both entities' laws on privatization and socially-owned apartments, to eliminate provisions in the Republika Srpska law that disadvantaged returnees in the privatization process and to remove the Federation's rule requiring two years' occupancy following repossession prior to purchasing a pre-war apartment. On 13 July, the Presidency officially transmitted to NATO Bosnia and Herzegovina's wish to join the Partnership for Peace Programme. Under the auspices of the High Representative, Bosniac and Croat representatives signed an agreement on 2 August reuniting the municipalities of Gornji Vakuf and Uskoplje.

In a later report [S/2002/209], the High Representative stated that, at the HDZ Party Congress in Mostar on 6 October, Ante Jelavic, whom he had removed as party president (see p. 330), ran unopposed and was re-elected president, as were most of the vice-presidents who were removed at the same time. Nevertheless, significant changes had occurred to make the so-called Croat/HDZ issue less dangerous for peace implementation:

the imposition of a Provisional Administrator in Hercegovacka Banka (the financial backbone of the illegal Bosnia and Herzegovina Croat structures) (see p. 344); the loss of financial and political support from Croatia; and the policy of the Alliance Government of dismantling parallel institutions. By returning to the Federation House of Representatives on 28 November, HDZ had implicitly acknowledged that the self-rule project was untenable. Moreover, the successful implementation of the agreements on the unification of Gornji Vakuf (Bosniac) and Uskoplje (Croat) and on the integration of the Croat-majority municipality of Zepce into the Bosniac-majority canton of Zenica-Doboj, the unification of the Pension Fund in the Federation, progress in the divided city of Mostar and the Alliance Government's outreach to the Croat stronghold of Herzegovina, all indicated that the old bipolar world of ethnic politics was slowly moving to a more functional approach. At the third Congress of the main nationalist Bosniac party, the Party of Democratic Action (Sarajevo, 13 October), Alija Izetbegovic stepped down as a party president; he was succeeded by Sulejman Tihic, Deputy Speaker of the Republika Srpska National Assembly.

The Federation Law on Citizenship was finally adopted in September, thereby enabling citizens of the former Yugoslavia who had taken up permanent residence in Bosnia and Herzegovina before 1998 and were eligible for Bosnia and Herzegovina citizenship to exercise that right.

Responding to the PIC Steering Board's call in October for the Bosnia and Herzegovina authorities to accelerate the pace of preparation for the general elections scheduled for 5 October 2002, the High Representative, on 16 November, appointed the four national members of the Bosnia and Herzegovina Election Commission to work with its three international members, whom he had appointed on 27 September.

#### *Republika Srpska issues*

The High Representative, reporting in March [S/2001/219] on issues related specifically to Republika Srpska, the Serb-majority entity of the Republic of Bosnia and Herzegovina, stated that implementation of the election results in that entity had advanced relatively quickly. Mladen Ivanic of the moderate Party of Democratic Progress was appointed Prime Minister on 12 January and formed a "Government of experts" free of senior Serb Democratic Party (SDS) figures, which, with the support of several other parties, had a comfortable majority in the entity's parliament. In his June report [S/2001/723], the High Representative stated that the Prime Minister

had managed to stabilize the socio-economic situation by improving tax collection and fiscal discipline. Important constitutional progress was made in April as the reshaped Constitutional Commission agreed on draft amendments to the Republika Srpska Constitution. Unfortunately, the reconstruction of mosques demolished during the war was set back when cornerstone-laying ceremonies for new mosques in Trebinje and Banja Luka were disrupted by violent protests and had to be postponed. Subsequently, the High Representative made several demands of Republika Srpska: an investigation into the violence; immediate changes of leadership in the Ministry of Interior; public condemnation and an apology by top officials; the reconvening of the ceremonies; and the establishment of a multi-ethnic Reform and Reconciliation Committee under the President's auspices. Most of those demands had been complied with.

On 5 March, Republika Srpska and FRY signed an agreement on special parallel relations, as provided for in the Peace Agreement, the implementation of which was to be supervised by the Office of the High Representative. The agreement was ratified on 7 June by the Republika Srpska National Assembly, despite the opposition of some Bosniac and Croat members of the Constitutional Commission who claimed that the agreement should be between Bosnia and Herzegovina and FRY. The High Representative's September report [S/2001/868] noted that the agreement had given rise to two annexes, one on defence issues and the other on sports. However, since the procedures specified in article 9 of the agreement were not complied with, the annex on defence issues had no legal effect. Acknowledging the suspension of the annex, both parties agreed on a way ahead on the issue. The Office of the High Representative had also reviewed the annex on sports and proposed holding a meeting to discuss amendments to it.

In September, the Republika Srpska National Assembly passed the draft Law on Cooperation with the International Tribunal for the Former Yugoslavia (ICTY). However, the entity's cooperation with ICTY had yet to yield any specific results, the High Representative later reported [S/2002/209]. Not a single indicted war criminal had been apprehended, and Republika Srpska officials had let it be known that the most-wanted Bosnian Serb indictees, Radovan Karadzic and Ratko Mladic, would have to be arrested by the international community alone.

The socio-economic situation in Republika Srpska remained gloomy, as the many strikes by teachers and medical workers and protests by pensioners illustrated. Little had been done to

advance the reconciliation process among the three constituent peoples. The Reconciliation and Reform Committee, set up after the May outbreak of violence in Banja Luka and Trebinje (see above), had met only once. Although SDS took tentative steps towards reform during its Congress on 24 December, its new platform remained devoid of a clear commitment to the State of Bosnia and Herzegovina.

#### *Brcko District*

In July [S/2001/723], the High Representative reported his continued satisfaction with developments in the Brcko District since its establishment in 2000 [YUN 2000, p. 350]. The entities comprising Bosnia and Herzegovina (the Bosniac-Croat Federation and Republika Srpska) and the District government were enacting a joint housing reconstruction programme for returning displaced persons, with an anticipated 500 housing units reconstructed during 2001. Under the Property Law Implementation Programme, the District was reinstating 100 properties a month on average. A modern judicial system, established on 1 April and consisting of a basic court, an appellate court, a legal aid centre and a judicial commission, was in place and functioning well. A transparent budget was adopted in April and, with improved revenue collection, the District was financially self-sustainable. In general, the entity governments had been supportive of the District and had appointed liaison officers to facilitate dialogue and communication among them. In September [S/2001/868], the High Representative observed that the commencement of reconstruction of the destroyed White Mosque in the Brcko town centre was an encouraging sign of increasing inter-ethnic tolerance.

In a later report [S/2002/209], he stated that reorganization of the District government was completed by the end of 2001, together with the hiring and rehiring of public employees in an open, competitive process.

#### *Refugee/displaced person returns*

In 2001, the Office of the United Nations High Commissioner for Refugees (UNHCR) registered the return of 92,061 persons to their pre-war home areas where they were in the ethnic minority—a 36.5 per cent rise from the final minority return figure of 67,445 in 2000. A promising increase in cooperation had emerged between the Bosnia and Herzegovina entities, particularly in information exchange on returnees and property repossession, and in the initiation of entity-funded reconstruction projects [S/2002/209].

The High Representative reported that, in June [S/2001/868], Croatia and international representatives in that country established a legal working group aimed at removing impediments to cross-border returns. He was encouraged by the adoption, under the Regional Return Initiative of the Stability Pact for South-Eastern Europe [YUN 1999, p. 398], of an Agenda for Regional Action providing for a framework to facilitate cross-border returns and the identification of lasting solutions for refugees yet to return to their pre-war homes.

#### *Human rights*

The High Representative reported in July [S/2001/723] that the 1997 Mostar "Liska Street" incident [YUN 1997, p. 307] was under criminal investigation by Mostar judicial authorities, as recommended by the Bosnia and Herzegovina Ombudsman. The Office of the High Representative was developing policies and strategies to remedy discriminatory practices in health care and access to utilities and employment. It continued to monitor implementation of the Bosniac-Croat Federation labour laws relating to re-employment or compensation for those dismissed during the war and to work towards establishing an equitable employment market. The Office also helped to facilitate a system allowing returnee pensioners to receive their pensions in their place of return, drafted the Bosnia and Herzegovina Plan of Action to Combat Trafficking in Human Beings, which was pending before Parliament, and assisted in reviewing draft legislation on minority rights and gender equality. In March, the boundaries of the Potocari site, designated by the High Representative in 2000 [YUN 2000, p. 353] for the burial and commemoration of the victims of the 1995 Srebrenica massacre [YUN 1995, p. 529], were identified and marked. The Foundation for the Srebrenica/Potocari Memorial and Cemetery was created and registered and had agreed on the design and location for a stone to mark the site.

Implementation of the Human Rights Chamber's decisions had increased from 33 per cent in late 1999 to 73 per cent by the end of 2001, noted the High Representative in a later report [S/2002/209]. The Federation registered significant progress in implementing occupancy rights and compensation awards. While Republika Srpska showed progress by paying monetary compensation in some 10 cases, its overall implementation rate was far from satisfactory.

As to social, economic and gender rights, the Office of the High Representative assisted in preparing Fair and Equal Employment Principles and in revising the Fair Employment Practices

Strategy Policy Paper, both of which articulated standards for employment practices and outlined mechanisms to ensure compliance with inclusive, non-discriminatory hiring practices. It also contributed to finalizing the Inter-Entity Agreement on Health Care for insured persons in Bosnia and Herzegovina, which was signed on 3 December.

In collaboration with ICTY, the Office continued to pressure the Bosnia and Herzegovina authorities, especially those of Republika Srpska, into full cooperation with ICTY. The High Representative said he was considering having a team of experts address what needed to be done if future domestic war crimes were to be tried in the soon-to-be-established Bosnia and Herzegovina Court. An appropriate strategy was under formulation in response to the ICTY Prosecutor's proposal to the Security Council on 27 November [meeting 4429] to remit ICTY cases to a special court in Bosnia and Herzegovina during or following completion of ICTY's mandate. That would ensure that ICTY concerns with the Bosnia and Herzegovina judicial system relating to war crimes prosecutions were addressed and that domestic war crimes prosecutions met the highest professional standards and were expedited.

#### *Judicial reform*

The High Representative issued a decision on 14 March [S/2001/723] providing the Independent Judicial Commission (IJC), established in 2000 [YUN 2000, p. 351], with a comprehensive mandate regarding the promotion of the rule of law and judicial reform. An internal directive clarified the scope of administrative competencies and powers between his Office and IJC. Headquartered in Sarajevo, with field offices in Banja Luka, Mostar, Sarajevo and Tuzla, and a fifth to be opened in Bihac, IJC had started implementing its strategic plan and identified areas of particular importance to the strengthening of the rule of law: the review of laws on the appointment of judges and prosecutors; criminal and civil procedure reform; the review of legislation on the enforcement of civil judgements; and court administration and management. It had also begun to monitor and guide the work of the national commissions and councils established to improve the recruitment of judges and prosecutors and to conduct a comprehensive review of all those currently serving.

In July [S/2001/868], the High Representative approved IJC's Strategy Paper for 2001-2002. Its major priorities were: completion of the review of judges and prosecutors; reform of the judiciary appointment process; reform of court administration and management; and revision of

legislation in civil procedure and enforcement of judgements. Also in July, the two entities of Bosnia and Herzegovina signed a memorandum of understanding regulating the appointment process for judges and prosecutors throughout the country. On 3 August, the High Representative imposed amendments to the Federation Law on Judicial and Prosecutorial Service to eliminate political obstruction, streamline the appointment and dismissal processes and strengthen the role of the Federation commissions dealing with the nomination of candidates for judicial and prosecutorial service.

#### *Economic reform and reconstruction*

The High Representative stated, in July [S/2001/723], that his Office was devoting a great deal of attention and resources to the major priorities of the privatization and restructuring of public utilities and the creation of a favourable investment climate. In Republika Srpska, through a voucher offer that ran from November 2000 to 15 March 2001, citizens and 13 privatization investment funds were offered 55 per cent of State equity in 830 enterprises. Of the 49 million vouchers issued, over 84 per cent were utilized. In a later report [S/2002/209], the High Representative said that, for the first time, three of the 50 largest enterprises in Republika Srpska were sold successfully to international investors. The sale of the remaining State-owned capital in every company was ongoing. In the Federation, the first public offering of shares was completed on 28 March; 542 enterprises were offered to certificate holders, with a subscription of 4.25 billion konvertible marka (KM). The second round was completed by the end of the year, with one or two more rounds to follow. A new Directorate of Privatization was established.

The Office of the High Representative, through the International Advisory Group on Taxation, accelerated the process of tax reform. An agreement on the harmonization of sales taxes was concluded between the two entity governments under the IMF project on the subject, which ended in April. Agreement was also reached for the Brcko District to harmonize its sales tax law with those of the entities by August. A harmonized income tax law was expected to be in place throughout Bosnia and Herzegovina by January 2002.

The report of the Foreign Investment Advisory Service on Bosnia and Herzegovina outlining investment impediments and recommendations for improving the situation was officially presented in Sarajevo and Banja Luka on 29 and 30 June, respectively.

In the transport sector, the Railway Public Corporation was legally registered in both entities. A 61 million euro railway recovery loan was signed on 11 June for the reconstruction of 750 kilometres of main track in Bosnia and Herzegovina. The High Representative's Office organized on 4 May an international conference on the Bosnia and Herzegovina rail transport situation, which recommended drastic reorganization. As a tangible sign of recovery, international passenger service on the Sarajevo-Banja Luka-Zagreb and Doboje-Banja Luka-Zagreb-Ljubljana railway lines reopened on 10 June, after a nine-year hiatus. The Federation and Republika Srpska were in negotiation with the European Investment Bank for a 60 million euro road improvement loan, while the World Bank was preparing a new road management and safety project worth \$30 million. Bosnia and Herzegovina signed an agreement with Central European Air Traffic Services on 14 September and a contract with Croatia Control Limited to provide air traffic control services to the country effective 27 December. Deployment of the State Border Service was completed at the Banja Luka and Mostar airports. Recently passed transport legislation included a Federation law creating (from two old companies) the new Railways of the Bosnia and Herzegovina Federation and a State law providing for State-level licensing and regulation of international and inter-entity truck and bus transport.

In the telecommunications sector, the High Representative issued a 2 March decision establishing the Communications Regulatory Agency. The World Bank offered technical assistance for the sector's restructuring, privatization and other transition measures relating to postal services, radio transmission infrastructure and e-commerce.

In the energy sector, the State's Commission on Public Corporations agreed on 17 April to move forward with the analysis and design of new public corporations for gas transportation, power transmission, radio transmission infrastructure and posts. The World Bank and the European Bank for Reconstruction and Development approved a \$230 million loan for a power generation and distribution project, conditional on the adoption by the Council of Ministers of a State electricity law providing for a regulatory commission for electricity transmission, an independent service operator and a single transmission company. That condition was fulfilled and the project was under way.

#### *Anti-corruption and transparency issues*

The High Representative reported in July [S/2001/723] that the emergence of so-called "Croat Self-Rule" (see p. 339) and its proclamation that it

would take over Federation revenues forced him to take action against the financial centre of that illegal parallel structure by placing the Croat-controlled Hercegovacka Banka under his provisional administration. The takeover of the bank on 6 April was resisted by HDZ-organized riots, during which staff of the High Representative's Office and other international and local staff were injured, threatened and taken hostage. The bank was eventually taken over on 18 April with SFOR backing. Although an investigation was initiated by the Federation, the High Representative transferred jurisdiction for the investigation and prosecution to the Cantonal Court of Sarajevo because of well-grounded suspicion of local police involvement and doubts about the impartiality of the local prosecutors and judges. The bank's provisional administrator was faced with lack of management and shareholder cooperation, thus slowing down the consolidation of accounts and the investigative process.

Due to the lack of transparency and continuing suspicion of corruption in the public finance system, the High Representative appointed a Special Auditor to audit and report on the condition of government finances. As a result of the report's confirmation that the system was susceptible to fraud and corruption and lacked appropriate control mechanisms, the High Representative's Office was developing a strategy to reform administrative accounting procedures and to strengthen the Supreme Audit Institution (SAI), and treasury and parliamentary control mechanisms.

In September [S/2001/868], the High Representative stated that, with the assistance of the United States Treasury, his Office had presented to both entity governments a strategy for restructuring the Financial Police Agency, a critical pillar of an independent and effective investigative mechanism against high-level corruption, fraud and money-laundering.

The High Representative subsequently indicated that, following the SAI comprehensive audit early in the year, charges were filed against former and serving officials of Republika Srpska in five cases involving the misappropriation of some KM 300,000 (150,000 euros) in government funds [S/2002/209]. He also reported that, on 6 November, he issued a decision amending the Federation Law on Banks to allow provisional bank administrators to make payouts of up to KM 5,000 before completing their financial reports. That would enable the provisional administrator of Hercegovacka Banka to start paying in December those small depositors whose savings had been frozen since April.

### *Media issues*

The continuing restructuring of the public broadcasting system (PBS) of Bosnia and Herzegovina saw the simultaneous launch on 7 May of PBS radio (broadcasting over the whole territory) and Federation radio, giving the country, for the first time since the disintegration of the former Yugoslavia, a Statewide broadcasting capability. Subject to funding, work would continue to extend the radio signal's reach to 85 per cent of the population, from its current coverage of 72 per cent. The Communications Regulatory Agency continued to evaluate broadcasters. By September, 126 had qualified for full licences. The evaluation was expected to be concluded by year's end, and consultations had begun to ensure that opportunities for new licences met citizens' needs. A working group had drafted a law for Republika Srpska Radio-Television. The Law on Federation Radio-Television was being amended and a PBS State law was in the drafting stage. On 27 October, the new Federation TV was launched and significant measures were taken to enfranchise Croats by improving signal coverage and developing a Croat component. The top managers for the State-level PBS had been appointed and the High Representative's Broadcasting Agent was working closely with them to create a PBS for the entire country that was financially viable and journalistically professional.

The draft Law on Freedom of Access to Information, prepared by an expert group in 2000 [YUN 2000, p. 352], was adopted by the State and entity governments. In June, the Federation Parliament adopted the draft Defamation Act.

### **Military aspects**

#### *Stabilization Force*

Under the command of NATO, the multinational Stabilization Force (SFOR), also known as Operation Joint Guard, continued in 2001 to oversee the implementation of the military aspects of the 1995 Peace Agreement. Its activities from 13 November 2000 to 31 October 2001 were recorded in nine reports [S/2001/16, S/2001/290, S/2001/437, S/2001/542, S/2001/688, S/2001/820, S/2001/911, S/2001/1001, S/2001/1167], submitted by the NATO Secretary-General through the UN Secretary-General to the Security Council, in accordance with Council resolution 1088(1996) [YUN 1996, p. 310]. Activities during the remainder of 2001 were covered in later reports [S/2002/17, S/2002/154].

The strength of SFOR fell from 22,000 in December 2000 to some 18,000 in December 2001. The troops, deployed in Bosnia and Herzegovina and Croatia, were contributed by all NATO mem-

bers and 15 non-NATO countries. The Council, by **resolution 1357(2001)** of 21 June (see p. 333), authorized the continuation of SFOR for a further period of 12 months.

During the year, SFOR continued to conduct reconnaissance and surveillance, by means of ground and air patrols, to: monitor the border with FRY and the entity armed forces (EAF); conduct weapons storage site inspections; provide support to the international organizations operating in Bosnia and Herzegovina, including the Office of the High Representative; and collect weapons and ammunition. In addition, it assisted the local police and IPTF in providing a safe and secure environment in the Sarajevo suburb of Dobrinja before and after the international arbitrator's final ruling on the disposition of the inter-entity boundary line; conducted operations to ensure a safe and secure environment throughout Bosnia and Herzegovina to counter the destabilizing effects of Croat action to create a third entity (see p. 339); and supported IPTF and local police in their efforts to quell mob violence and maintain police order. Other major activities included an information campaign to reassure the population and deter support for terrorist acts. It discovered two underground bunkers containing military equipment and ammunition near Han Pijesak, north-east of Sarajevo.

The SFOR/OSCE Joint Restructuring Steering Board, on 13 March in Sarajevo, presented to the entities the master plan for restructuring EAF. The Federation and the Joint Presidency endorsed the Common Defence Policy Paper, a key element in that restructuring, and established several working groups. In the meantime, SFOR was verifying the reported 15 per cent troop reduction of EAF in 2000. It continued to support UNHCR efforts to encourage the return of Bosnian Serbs living in Republika Srpska to their home areas.

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## Federal Republic of Yugoslavia

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The year 2001 saw a number of positive developments in the Federal Republic of Yugoslavia (FRY) and in its province of Kosovo. In early March, NATO informed the Secretary-General of its decision, in anticipation of the ultimate abolition of the ground safety zone—the buffer zone between Kosovo and Serbia proper—to allow the controlled return of FRY forces into the zone, which took place between March and May.

Also during that period, the United Nations Interim Administration in Kosovo (UNMIK) began to lay the foundations for Kosovo's interim

period of self-government, as envisaged in Security Council resolution 1244(1999) [YUN 1999, p. 353]. The main achievement in that effort was the promulgation on 16 May by the Special Representative of the Secretary-General and Head of UNMIK of the Constitutional Framework for Provisional Self-Government, which determined the new provisional government institutions and their powers and responsibilities. That paved the way for the Kosovo-wide elections on 17 November, in which all communities participated. Since none of the contending parties gained enough Assembly seats to govern alone, negotiations began for the formation of a coalition Government. Accordingly, UNMIK assisted in the establishment of the necessary provisional institutions in accordance with the Constitutional Framework and engaged all communities in the transitional process, aimed at the progressive transfer of public administration to local control. UNMIK also, in cooperation with the EU, OSCE and UNHCR, stepped up measures relating to the reform of Kosovo's police and justice system, economic reform and reconstruction, the return of refugees and displaced persons and the improvement of security, in particular along the border with the former Yugoslav Republic of Macedonia. In support of UNMIK's efforts, the Council had sent a mission to Kosovo in June to convey a strong message to its local leaders and all concerned to reject violence and promote inter-ethnic reconciliation.

In September, the Secretary-General informed the Council of the constructive cooperation of the new FRY authorities with the international community to bring peace and stability to the Balkan region and expressed his belief that FRY had complied with Council resolution 1160(1998) [YUN 1998, p. 369]. Accordingly, on 10 September, the Council lifted all sanctions imposed against FRY and dissolved the committee it had established to monitor them.

### 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 FRY province of Kosovo, as well as 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).

### Ground safety zone and southern Serbia

In 2001, the security situation in the ground safety zone (GSZ) (the buffer zone between Kosovo and the rest of Serbia) and in southern Serbia, first brought to the Security Council's attention in December 2000 [YUN 2000, p. 378], continued to deteriorate. On 27 January [S/2001/86], FRY reported to the Council that, on the previous day, Albanian terrorists attacked an army unit on the Bujanovac-Presevo road in the vicinity of Gomja Susaja village, near Bujanovac, outside the GSZ. A soldier was seriously wounded and later died. FRY said those activities were aimed at endangering security, sowing terror among the civilians in the Bujanovac, Presevo and Medvedja municipalities in southern Serbia and provoking the Yugoslav police and army. It called for an urgent Council meeting so that measures could be taken to find the perpetrators and bring them to justice.

FRY also requested the Council to ensure that the provisions of its statement S/PRST/2000/40 [YUN 2000, p. 380] were fully implemented and that the GSZ regime was fully respected.

#### Security Council consideration (January).

The Council, during informal consultations of the whole on 30 January, was briefed by the Assistant Secretary-General for Peacekeeping Operations on the situation in the Presevo Valley, including the foregoing incident [A/56/2]. He stated that, between 18 and 28 January, there was a notable increase in small-scale attacks on FRY forces by elements of the Liberation Army of Presevo, Medvedja and Bujanovac (UCPMB) and a splinter group (the ethnic Albanian armed groups). Eighteen attacks on FRY forces were reported in the central and northern parts of the GSZ. The fighting created a flow of internally displaced persons into Kosovo. Although KFOR continued to conduct proactive operations to interdict and prevent armed groups from crossing into the GSZ, tension in the area was rising.

In a statement to the press on behalf of the Council, the President said that the Council condemned the attacks and stressed the need to bring the perpetrators to justice. The Council recalled the call made in its December 2000 statement [YUN 2000, p. 380] for the immediate and complete cessation of violence, the dissolution of ethnic Albanian extremist groups and the immediate withdrawal from the GSZ of all non-residents engaged in extremist activities. Welcoming FRY's commitment to work towards a peaceful settlement, the Council also called on ethnic Albanian leaders in southern Serbia to work with the FRY Government to achieve a peaceful settlement. It welcomed the measures

taken by KFOR and called on it to continue to address the problem.

#### Security Council consideration (February).

On 13 February [meeting 4277], the Under-Secretary-General for Peacekeeping Operations reported to the Council that there had been increased clashes, illegal checkpoints and training activities in the GSZ. UNMIK and KFOR continued to take action against persons and activities inside Kosovo known to support the ethnic Albanian fighters using the GSZ as a staging area. They were also working in selected areas along the Kosovo side of the administrative boundary to control more effectively the movements of individuals attempting to support ethnic Albanian fighters. KFOR had over 100 suspected ethnic Albanian fighters in detention.

Discussions were continuing with FRY and Serbia and with ethnic Albanian leaders on halting the displacement of persons and on encouraging returns to the Presevo area. An inter-agency team of representatives from the United Nations Development Programme, UNHCR, the Office for the Coordination of Humanitarian Affairs, the United Nations Children's Fund and the Office of the United Nations High Commissioner for Human Rights had been sent to the region to assess basic humanitarian needs in the Presevo Valley area.

Addressing the Council, the FRY representative said his Government had recently adopted a three-phase plan for resolving the crisis in the Bujanovac, Presevo and Medvedja municipalities. Also known as the Covic Plan, it included the establishment of the State sovereignty and territorial integrity of Serbia and FRY in that part of their territory, the preservation and development of the region's multi-ethnic character, respect for all civil and human rights of the ethnic Albanian community, protection of the basic interests of Serbs and of their personal property and security, and the building of a multi-ethnic democratic society, with the viable economic development of the three municipalities. In the first phase, already under way, an appeal had been sent to the ethnic Albanian community to refrain from any terrorist acts during negotiations, with FRY's army and police undertaking only defensive activity. The second phase, to be preceded by the reduction or total elimination of the GSZ, would include the permanent cessation of all terrorist acts, the disarmament of terrorists and dismantling of fortifications, followed by the withdrawal of military and police forces; regular mixed local police and military units would remain. Those who had not taken part in violent action up to the end of the second phase would not be prosecuted.

In the third phase, full security and peace in the region would be established, enabling the ethnic Albanian community to be integrated into the political, State and social systems and to have their human rights respected. That integration would reflect the local ethnic composition in the State institutions, economy and social activity, entailing appropriate representation on the executive boards of municipalities and in the Government of Serbia, the elimination of all forms of human rights violations through more effective control of police and other government bodies and free access for accredited human rights organizations.

**Communication.** The EU, on 15 February [S/2001/153], welcomed the plan adopted by FRY and Serbia on 8 February, which had been presented to it by Serbia's Deputy Prime Minister Nebojsa Covic on 15 February as a comprehensive response to the crisis. The EU looked forward to the implementation by Serbia and FRY of measures to fully integrate the ethnic Albanian community as soon as possible, and expected the ethnic Albanian community in southern Serbia to designate representatives to engage in constructive dialogue with Serbia and FRY. That implied an immediate cessation of violence by armed extremist Albanian groups in the GSZ.

#### *NATO decision*

On 8 March [S/2001/214], the NATO Secretary-General informed the UN Secretary-General that, following the previous week's fact-finding mission to southern Serbia and visits of a NATO political-military team to Skopje, FYROM, the North Atlantic Council (NAC) had decided on a number of steps regarding the GSZ to be implemented in the near future, together with confidence-building measures, including a ceasefire to be agreed between FRY and Serbian and ethnic Albanian representatives, and the initiation of direct negotiations between the parties. NAC confirmed NATO's intention ultimately to abolish the GSZ, but reaffirmed that the KFOR Commander should retain authority over it and the air safety zone under the terms of the 1999 military-technical agreement [YUN 1999, p. 356]. As a first step in a phased and conditioned reduction of the GSZ, NAC authorized the Commander to allow the controlled return of FRY forces into the GSZ sector along Serbia's border with FYROM (Sector C (East)). Further controlled return should continue rapidly thereafter along the northern boundary of Kosovo with Serbia proper (Sector A), including the strip of the FRY border with Albania (Sector C (West)). That part of the GSZ in the municipality of Medvedja (Sector D) could be released at the same time as Sector A or later.

Further returns of FRY/Serbian forces were authorized on 22 March [S/2001/267] to Sectors A and C (West) of the GSZ, subject to FRY's agreement to the specific conditions set by the KFOR Commander on 24 March; on 11 April [S/2001/360] to Sector D with effect from 12 April; and on 14 May [S/2001/497] to Sector B with effect from 24 May. The return to Sector B completed the phased and conditioned reduction of the GSZ. NAC also noted the FRY/Serbia proposals on key capacity-building measures contained in the "Outline of the Plan for the Joint Security Forces Entry into the GSZ Sector Bravo" and further assurances made by Serbia's Deputy Prime Minister in his letters of 4 and 13 May.

#### *Ceasefire agreement*

During the Security Council's meeting on 16 March [meeting 4296], the FRY representative informed the Council of the agreement on a ceasefire in the GSZ in southern Serbia and the agreement between FRY and KFOR on the entry of Yugoslav forces into that part of the GSZ bordering FYROM. FRY considered that conditions had been created for the full implementation of the Council's repeated requests to end the violence and to have armed Albanian groups disarmed, disbanded and withdrawn from the GSZ. Steps towards a gradual and complete elimination of the GSZ would contribute to a comprehensive implementation of the FRY/Serbia plan for a resolution of the crisis (see p. 346).

The Council, in statement **S/PRST/2001/8** (see p. 350) of the same date, welcomed the ceasefire agreement and called for strict compliance with its provisions. It also welcomed FRY's plan for southern Serbia and NATO's decision to authorize the controlled return of FRY forces to the GSZ.

#### *Other developments*

**Communication.** The EU, in a 22 May statement on the demobilization of ethnic Albanian armed groups in the Presevo Valley [S/2001/539], welcomed the commitment by representatives of ethnic Albanian armed groups to full demobilization in southern Serbia, signed on 21 May by UCPMB Commander Shefket Musliu. The EU urged all concerned to fully respect that commitment and to hand over their weapons to KFOR and return to civilian life. It encouraged FRY/Serbian authorities and ethnic Albanian representatives to continue talks to consolidate implementation of confidence-building measures, including the early establishment of a multi-ethnic police force.

### UN Interim Administration Mission in Kosovo

The United Nations Interim Administration Mission in Kosovo, established in June 1999 [YUN 1999, p. 357], set up, for the purpose of executing its tasks, what were referred to as pillars, concerned with 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 (formally launched by the United Nations on 21 May). UNMIK was headed by the Special Representative of the Secretary-General, Hans Haekkerup (Denmark), who replaced Bernard Kouchner (France) on 13 January.

Upon assuming office, the new Special Representative laid out the following priorities for UNMIK: to establish a legal framework for provisional self-government in Kosovo as a precondition for the holding of Kosovo-wide elections; to develop further an effective law enforcement and judicial system; and to advance economic reconstruction. The Special Representative would foster regular dialogue with FRY and Serbia and open an UNMIK office in Belgrade to contribute to the implementation of those priorities. In addition, UNMIK continued to address a number of serious challenges related to the security of all Kosovo communities, to the ongoing struggle to establish durable and universal law and order, and to the preparation of joint administrative structures.

UNMIK's efforts were facilitated and advanced by the series of regulations that the Special Representative issued during the year. In that connection, the Secretary-General submitted to the Security Council in March [S/2001/218/Add.1] the texts of regulations 2000/62-69 and 2001/1-4 and, in October [S/2001/926/Add.1], those of regulations 2001/23 and 2001/24.

**Security Council consideration (January, February, March).** The Council met on 18 January and 13 February to consider the implementation of its resolutions relating to the situation in Kosovo. On 18 January [meeting 4258], the Under-Secretary-General for Peacekeeping Operations updated the Council on UNMIK's progress in discharging its priority tasks, as identified by the new Special Representative. He also briefed the Council on the return of Albanian Kosovars detained in FRY, the situation in the Presevo Valley and the problem of depleted uranium.

In a further briefing to the Council on 13 February [meeting 4277], the Under-Secretary-General reported that the elaboration of the key principles for discussions on the legal framework for a provisional self-government was in progress. When completed, UNMIK would begin consultations with local interlocutors and the interna-

tional community on mechanisms for the transfer of governmental powers. OSCE estimated that preparations for province-wide elections would take eight months. Therefore, decisions on key elements of the legal framework had to be completed by April for elections to take place in 2001. Progress had already been made in updating voter lists. Meanwhile, UNMIK had begun to restructure the Joint Interim Administrative Structure (JIAS) to take account of the 2000 municipal election results [YUN 2000, p. 367] and to prepare for a smooth transition to a locally managed structure. In the continued implementation of those results, 18 of Kosovo's 30 municipalities had appointed their chief executive officers and seven had set up their boards of directors.

To enhance the rule of law, UNMIK had under consideration a more unified judicial, police and civil administration coordination structure. To improve the quality of the judiciary, it had begun assessing the performance of 400 local judges and prosecutors who had been urgently appointed when UNMIK started. On the police side, UNMIK established the Police Organized Crime Intelligence Unit and 3,138 cadets had graduated from the Kosovo Police Service School.

The democratic changes in FRY and Serbia proper [YUN 2000, p. 384] provided an opportunity for a more constructive relationship with Belgrade. In that regard, the establishment of an UNMIK office there to facilitate dialogue had been agreed in principle. Negotiations were continuing with FRY on detainees and missing persons from Kosovo, as well as on a prepared amnesty bill, which UNMIK said should be extended to all Kosovo Albanian detainees.

UNMIK was working to improve economic regulation and decrease Kosovo's economic isolation by encouraging direct foreign investment. Plans were being made to restore the viability of the Trepca industrial complex [YUN 2000, p. 377]. A number of policy issues were being considered, as well as issues of interim management, ownership and debt claims, environmental damage reconciliation, restructuring and worker retraining, and the establishment of appropriate mining laws.

As to security issues, recent demonstrations in south Mitrovica, sparked by the death of a Kosovo Albanian youth in a 29 January grenade attack, became the focus for protests by Kosovo Albanians wanting to show that they did not trust KFOR to provide them with the necessary security. While the protests drew little reaction from the Kosovo Serbs, threats against the Kosovo Albanian minority in north Mitrovica were reported. To defuse tensions, the Special Representative and the KFOR Commander visited Mitrovica to

hold discussions with the local Albanian and Serb leaders. A joint declaration was signed by the Special Representative, the KFOR Commander, the Mitrovica Municipal Assembly and local political representatives, calling for enhanced security and expansion of the zone of confidence to ensure freedom of movement for residents, the return of displaced persons and the establishment of functioning political structures. However, representatives of all local Serb factions signed a statement of non-concurrence, arguing that the plan excluded Kosovo Serbs and that expansion of the zone of confidence was only for north Mitrovica.

Another security concern related to tension in the Presevo Valley and in southern Serbia (see p. 346). Besides an increase in attacks on Kosovo Serbs and their property in Prizren, Mitrovica, Gnjilane and Pristina, pressure on Kosovo Serbs to sell their property remained high, particularly in mixed municipalities. Dialogue had begun with FRY, Serbian and Kosovo Serb and Kosovo Albanian political and community leaders on the envisioned framework for Serb returns to Kosovo.

On the question of depleted uranium, a draft report on its effects, prepared by a World Health Organization assessment team, concluded that its threat to public health and the environment was minimal. It recommended an information campaign to encourage public reporting of discoveries of depleted-uranium rounds, improved medical health data and an effective information system on the health situation in Kosovo to help monitor all of its aspects, including with respect to depleted uranium.

On 6 March [meeting 4286], the Security Council held a private meeting with the participation of FRY's Prime Minister, Zoran Zizic, to exchange views on the Kosovo situation and on the implementation of resolution 1244(1999). In a statement to the press [A/56/2], the President said that Council members welcomed the Special Representative's ongoing efforts to implement fully resolution 1244(1999), including the development of an institutional framework for the provisional self-governing institutions of Kosovo. They called on all parties to support UNMIK in building a stable and multi-ethnic democracy in Kosovo and to ensure suitable conditions for Kosovo-wide elections for those institutions as soon as feasible, including through the registration of all habitual residents of Kosovo, the return of refugees and adequate security for all.

Council members also welcomed the continued improvement of relations between the FRY Government and UNMIK and KFOR, and supported the early opening of an UNMIK office in

Belgrade. They stressed the importance of substantial dialogue between Kosovo political leaders and the FRY Government.

Council members called for an end to all acts of violence in Kosovo, in particular those ethnically motivated, and urged all Kosovo political leaders to condemn those acts and to increase efforts to create inter-ethnic tolerance. They welcomed the adoption of an amnesty law in FRY, and stressed the importance of the immediate release of all Kosovo Albanian prisoners held without charge or on political grounds as a confidence-building measure.

They further welcomed the efforts undertaken, in particular by the EU and NATO, to support FRY in solving the problems in southern Serbia (see p. 347).

**Report of Secretary-General (March).** The Secretary-General, reporting in March on UNMIK [S/2001/218], stated that the current political situation among Kosovo Albanians was characterized by tensions between the two major parties, the Democratic League of Kosovo (LDK), which had a majority in 24 municipalities, and the Democratic Party of Kosovo (PDK), which had a majority in three. Tensions arose from the two parties' inability to reach agreement on co-governance, highlighting the continuing mistrust between them. Nevertheless, they were united in their desire for Kosovo-wide elections in 2001 and in their condemnation of the most recent violence against Kosovo Serbs.

The Kosovo Serb community was likewise divided. The recent change of government in Belgrade [YUN 2000, p. 384] contributed to a further decrease in the influence of the Serb National Council-Gračanica in central Kosovo and of the Serb National Council in north Mitrovica. Although the former continued to participate in UNMIK's Kosovo-wide institutions, its standing among the Kosovo Serb community had diminished. On the other hand, particularly in the Mitrovica region, those forces associated with the Democratic Opposition of Serbia (DOS) had consolidated. Triggered by the violent events in Mitrovica in January and February (see p. 350), the positions of some Kosovo Serb leaders had hardened, with the creation of a self-styled "Committee for the Defence of Mitrovica". UNMIK had made an intense effort to re-engage Kosovo Serb leaders in the Mitrovica region on key issues affecting their communities.

To ensure the representative nature of the provincial institutions, UNMIK had been examining ways to reform JIAS.

Persistent instances of ethnically and politically motivated violence continued to pose a threat to the fulfilment of UNMIK's mandate. In

late January and early February, violent protests by the Kosovo Albanian population in south Mitrovica resulted in the burning of KFOR and UNMIK police vehicles. To put an end to the demonstrations, UNMIK and KFOR persuaded Kosovo Albanian leaders to sign a joint declaration and plan of action. In Prizren and Pristina, violence between Kosovo Serbs and Kosovo Albanians was on the rise. On 24 January, in Velika Hoca, near Orahovac municipality (Prizren region), six Kosovo Serb-owned houses were damaged by mortar fire. In early February, several attacks on Kosovo Serb homes and churches occurred, including an explosion that destroyed an Orthodox church west of Gnjilane on 7 February, as well as a number of attacks against Kosovo Serb houses, many of them potential dwellings for Kosovo Serb returnees, and cultural sites in the Gnjilane, Prizren and Pristina regions. A spate of more serious attacks targeting Kosovo Serbs occurred in mid-February, the worst being the 16 February attack near Podujevo on a KFOR-escorted convoy of civilian buses en route from Nis in Serbia proper to Gracanica near Pristina [S/2001/145].

**Further Security Council consideration.** At a 16 March Security Council meeting [meeting 4296], which had before it the Secretary-General's March report, the Special Representative stated that, in order to accelerate the process of defining a legal framework, he had established on 6 March a working group of international and Kosovar legal experts, including representatives of the major ethnic groups, to elaborate the structure of the future institutions of provisional self-government in Kosovo. The group would indicate clearly those powers and competencies to be transferred and those to remain under his control, but would not address the question of sovereignty. Nor would the legal framework address or in any way prejudge the final political settlement on Kosovo's status. The Special Representative regretted the withdrawal of the group's Kosovo Serb member.

The Special Representative further reported that FRY's Parliament had passed an amnesty law, covering, however, only a small number of the Kosovo Albanian detainees, of whom close to 500 remained imprisoned in Serbia. He called on Belgrade to transfer all detainees to UNMIK for a review of their cases according to international standards. To further the normalization process, the Special Representative said two clear messages from Belgrade were needed: one to the Kosovo Albanians, that Belgrade's new democratic Government was prepared to take the steps necessary to normalize relations between it and Pristina; and another to the Kosovo Serbs, that their future lay in Kosovo and that they should there-

fore participate in the structures established to govern the area.

According to the Special Representative, extremist actions in FYROM (see p. 368) were destabilizing the situation in the region. Although the problem was an internal one, it was important for KFOR and UNMIK to support FYROM in its efforts to solve it, including sealing off the border.

The Special Representative stated later in the meeting that he would welcome a visit by the Security Council to Kosovo, which should help in addressing the implementation of resolution 1244(1999).

#### SECURITY COUNCIL ACTION

On 16 March [meeting 4298], following consultations among Security Council members, the President made statement **S/PRST/2001/8** on behalf of the Council:

The Security Council welcomes the briefing by the Special Representative of the Secretary-General on progress in the implementation of its resolution 1244(1999) of 10 June 1999.

The Council commends the Special Representative of the Secretary-General and the commander of the Kosovo Force for their ongoing efforts to implement fully resolution 1244(1999), undertaken under difficult circumstances, and welcomes the priority areas of work identified by the Special Representative of the Secretary-General.

The Council welcomes the establishment of a working group under the authority of the Special Representative of the Secretary-General aimed at developing a legal framework for provisional institutions for democratic and autonomous self-government in Kosovo and stresses the need for all ethnic groups to be represented in the work of this group. It underlines the need to keep the Government of the Federal Republic of Yugoslavia informed on the process. It calls on all parties to support the efforts of the United Nations Mission in Kosovo to build a stable multi-ethnic democratic society in Kosovo and to ensure suitable conditions for Kosovo-wide elections. It stresses the importance of a number of steps being taken for the holding of these elections: the establishment of the legal framework, in particular the definition of the functions and powers of the elected bodies; the development of an integrated voter registry which should include the refugees and internally displaced persons; full involvement of all the communities in the ballot; and a high security environment for the voting.

The Council welcomes close contact between the Government of the Federal Republic of Yugoslavia and the Mission and the international security presence, in particular the steps taken towards the opening of a Mission office in Belgrade, which will facilitate these consultations. It stresses the importance of substantial dialogue between Kosovo political leaders and the Government of the Federal Republic of Yugoslavia.

The Council calls for an end to all acts of violence in Kosovo, in particular those which are ethnically

motivated and urges all political leaders in Kosovo to condemn these acts and to increase their efforts to create inter-ethnic tolerance. It reiterates the importance of resolving the problem of the missing and detainees and notes that this would be a major confidence-building measure. It welcomes the initial steps taken by the Government of the Federal Republic of Yugoslavia in this regard.

The Council remains concerned about the security situation in certain municipalities in southern Serbia as a result of the violent actions of ethnic Albanian armed groups. It welcomes the ceasefire agreements signed on 12 March 2001 and calls for strict compliance with their provisions. It stresses that a peaceful settlement of this crisis can only be achieved through substantial dialogue. It commends the continued restraint of the authorities of the Federal Republic of Yugoslavia and Serbia. The Security Council welcomes the plan of the Government of the Federal Republic of Yugoslavia for southern Serbia and supports its initiative to find a peaceful and durable solution through a process of dialogue and confidence-building measures. It expresses the opinion that the swift implementation of confidence-building measures would be an important element in a peaceful settlement, and underlines the importance of continued political and financial support for this process by the international community.

The Council welcomes the decision taken by the North Atlantic Treaty Organization to authorize the commander of the international security presence to allow the controlled return of forces of the Federal Republic of Yugoslavia to the Ground Safety Zone as defined in the military-technical agreement signed in Kumanovo on 9 June 1999, referred to in annex II of resolution 1244(1999), as a first step in a phased and conditioned reduction of the Ground Safety Zone.

The Council reiterates its strong support for the former Yugoslav Republic of Macedonia as set out in the statement of its President of 7 March 2001. It strongly condemns the continuing extremist violence in parts of the former Yugoslav Republic of Macedonia, supported from outside the country, which constitutes a threat to the stability and security of the entire region, and underlines the importance of maintaining the territorial integrity of the former Yugoslav Republic of Macedonia and all other States in the region. It supports efforts by the Government of the former Yugoslav Republic of Macedonia to cooperate with the North Atlantic Treaty Organization and other international organizations to end this violence in a manner consistent with the rule of law.

The Security Council will remain actively seized of the matter.

**Communications.** On 19 April [S/2001/382], FRY reported that, the previous day, a bomb activated by remote control went off in front of the offices of the Committee of the Yugoslav Government for Cooperation with UNMIK in Pristina, killing one person and wounding three others. On the same date [S/2001/386], the FRY President, Vojislav Kostunica, expressed his exasperation over the

incident, which, he said, was further evidence of the extremely poor security situation in Kosovo, particularly affecting the few remaining non-Albanians, and of the failure of UNMIK and KFOR to fulfil their tasks in accordance with Security Council resolution 1244(1999). He recalled that at his 30 March meeting with the Secretary-General, he had pointed out the escalation of terrorism among Albanian extremists, who had been reinforced and, to all appearances, encouraged or at least incited by insufficient UNMIK and KFOR measures.

Serbia's National Assembly, by a 4 May resolution [S/2001/443], stated that, two years after the establishment of civil and security presences, the security situation in Kosovo and Metohija was becoming increasingly serious. The return of expelled persons was more uncertain than ever, and the daily life of the remaining Serbs and other non-Albanians was uncertain and risky. International representatives were working more for the adoption of regulations on interim self-governance than on ensuring the population's safety and security. The National Assembly demanded that UNMIK conduct an investigation within a month into the fate of all abducted and missing persons and inform their families as well as the public about the results. It appealed to all international human rights institutions to intensify their efforts to ascertain the fate of 1,300 abducted and missing Serbs and other non-Albanians.

The establishment of customs points at the administrative boundary of Kosovo and Metohija with central Serbia caused added concern and violated resolution 1244(1999) (see p. 363). The Assembly fully supported the population's resistance to that gross breach of Yugoslav customs laws and Serbia's tax legislation.

Moreover, the basic text of the draft legal framework for provisional self-government for Kosovo, as prepared by UNMIK, did not provide even minimum guarantees for protecting the rights of Serbs and other non-Albanian communities. It was unacceptable to adopt any "legal framework for provisional self-government for Kosovo", or to contemplate the holding of elections, without the prior fulfilment of all obligations stemming from paragraph 9 of resolution 1244(1999), particularly those relating to the full demilitarization of the so-called Kosovo Liberation Army and other armed groups, as well as to the establishment of a safe environment in which displaced persons could return to their homes in conditions of full public safety and order.

The National Assembly demanded that the working group on the elaboration of the legal framework adopt Serbia's amendments ensuring

the maintenance of a multi-ethnic Kosovo and Metohija within Serbia and FRY and guaranteeing the rights of ethnic communities, and the establishment of an interim system of consensual democracy in which national and ethnic differences were institutionally safeguarded.

#### *Constitutional Framework for Provisional Self-Government*

The Secretary-General, in his June report on UNMIK activities [S/2001/565], informed the Security Council that the joint working group constituted on 6 March had, over a nine-week period, elaborated a constitutional framework for Kosovo's provisional self-government. Represented in the group were the three Albanian political parties, a Kosovo Serb member and a Bosniac representing other minorities, in addition to a civil society representative, an independent expert and seven international members, including the chairman. The final document reflected the large measure of agreement reached in the group, including comprehensive provisions on the structure and powers of the legislature, the judiciary and the executive branch. Five issues on which there had been no agreement (the title of the document, the request for a directly elected President, a Constitutional Court, a referendum and a sunset clause spelling out the time period of provisional self-government) were resolved by the Special Representative, in consultation with the Secretary-General. On 16 May, the Special Representative signed into law Regulation 2001/9 on the Constitutional Framework for Provisional Self-Government and established, on 18 May, the Steering Group on Issues of Implementation of the Constitutional Framework to coordinate the efforts of five working groups dealing with implementation.

The Constitutional Framework provided for a 120-seat Assembly based on proportional representation, with the first 100 seats reserved for all registered parties and 10 seats each for Kosovo Serbs and other communities. A seven-member presidency of the Assembly would guide its work. The Assembly would elect a President, who in turn would nominate a Prime Minister. The Framework contained extensive safeguards for the protection of communities and human rights, including: an extensive list of guaranteed rights of communities and their members in such areas as language, education, employment, media and public services, with a reservation giving the Special Representative the power to intervene to protect those rights; strong human rights provisions, including one on the right of all refugees and displaced persons to return to their homes and to re-

cover their property, and another requiring that competent institutions had to facilitate returns; the creation of a Committee on the Rights and Interests of Communities in the Assembly with guaranteed and equal representation of communities and special rights to review proposed legislation to ensure that the communities' rights and interests were adequately addressed and to enable the Special Representative strictly to monitor the legislative process; guaranteed set-aside seats for Kosovo Serbs and other communities in the Assembly to ensure adequate representation, as well as guaranteed representation of all communities in the Assembly presidency and other bodies, including main and functional committees; full control and authority by the Special Representative over the judiciary, including the power to determine the assignment of international judges and prosecutors to cases so as to ensure the fair administration of justice, particularly in sensitive cases involving communities; and broad authority for the Special Representative to intervene and correct any actions of the provisional institutions of self-government that were inconsistent with resolution 1244(1999), including the power to veto Assembly legislation where necessary.

The Framework also provided for the following mechanisms to address Kosovo Serb concerns: a procedure enabling the Assembly's community members to object to legislation they felt violated their "vital interests" and to initiate a special process to avoid adoption of legislation without prior scrutiny by a panel in which a representative of the Special Representative and a community representative would have a majority; a requirement that the Ombudsperson give priority to allegations of discrimination against communities and their members and allegations of violations of community rights; preambular language reaffirming the commitment to the safe return of refugees and displaced persons and to freedom of movement; and preambular language stressing the importance of a free, safe and open political environment for members of the communities.

The Secretary-General said that key to the success of the Constitutional Framework was local acceptance of the document. In the main, reactions to its signing among Kosovo Albanian members of the Interim Administrative Council were encouraging. Ibrahim Rugova and Ramush Haradinaj, leaders of LDK and the Alliance for the Future of Kosovo, respectively, expressed their support for the document, despite the exclusion of certain key requests that they intended to pursue. However, the PDK president, Hashim Thaci, said the document would hold hostage the aim of

Kosovo's people, which was political independence. According to local media reports, the FRY authorities and the Kosovo Serbs considered the Framework "unacceptable". On 14 May, the Special Representative appeared on local television to announce the promulgation of the Constitutional Framework and 17 November as the date for Kosovo-wide elections.

**Communications.** The EU, on 16 May [S/2001/538], welcomed the promulgation of the Constitutional Framework and the announcement of a date for elections. The EU urged all individuals and communities to participate in the elections and to refrain from violence in the process leading to them.

FRY, on 5 June [S/2001/563], informed the Security Council that, while it supported the establishment of provisional institutions of self-government and was ready to cooperate fully with the United Nations, UNMIK and the Special Representative, it had serious concerns and reservations regarding the Constitutional Framework and the holding of general elections, stressing that certain of the Framework's elements disregarded the principle of respect for FRY's territorial integrity and sovereignty. In particular, it omitted any express reference to Kosovo and Metohija as being part of FRY and Serbia—an unacceptable omission; the term "constitutional" in the title implied that the document was a constitution of a State, which it was not nor could it be; references to "the people of Kosovo" could neither bear nor imply any connection with the notion of "peoples" or the principle of "equal rights and self-determination of peoples" as contained in the UN Charter or in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the UN, adopted by General Assembly resolution 2625(XXV) [YUN 1970, p. 789]; and the provisions on the President of Kosovo and Metohija and his/her responsibilities "in the field of external relations", as well as the related provisions concerning certain responsibilities of provisional institutions, were contrary to the letter and the spirit of resolution 1244(1999). As a part of FRY and Serbia, Kosovo and Metohija was represented in international relations by the FRY Government, or by the Special Representative to the extent allowed under that resolution. The reference to "the will of the people" in the Framework's preamble had to be interpreted without prejudice to the respect for the principle of sovereignty and territorial integrity and should be understood as including the will of all citizens of Serbia and FRY, expressed directly or through their elected representatives.

In addition, the Framework did not contain sufficient institutional guarantees for the protection of rights and interests of national communities. It was premature to transfer judicial responsibilities to provisional institutions of self-government, since conditions for a truly independent and impartial judiciary did not exist; therefore, judicial affairs should have remained within the reserved powers of the Special Representative. Also, any reference to the Kosovo Protection Corps [YUN 2000, p. 364] was unacceptable.

FRY emphasized its support in principle for the elections, provided the conditions necessary for the holding of truly all-inclusive, free and fair elections existed well before the election date.

**Report of Secretary-General (June).** Reporting on the political situation in his June report on UNMIK [S/2001/565], the Secretary-General said that the political engagement of the Kosovo Serb community remained a major challenge for UNMIK, rendered more difficult by the branding of the Constitutional Framework as "unacceptable" by FRY authorities and by the continuing divisions within the community itself. In the Mitrovica region, the self-styled Political Committee for the Defence of Kosovska Mitrovica, formed in February, had gained influence, with radical Kosovo Serb leaders seizing on the issue of UNMIK tax collection points along the northern administrative boundary line (see p. 363) to further harden the stance of the Kosovo Serb community in the region. The ensuing roadblocks and the linkage made between the tax collection points and the Constitutional Framework made progress on the issues in the divided city of Mitrovica and on Kosovo Serb cooperation with UNMIK very difficult. Faced with those difficulties, UNMIK made efforts to re-engage Kosovo Serb leaders in the Mitrovica region and to encourage FRY to use its influence in that regard. To that end, the Secretary-General met with FRY President Kostunica in New York on 8 May, resulting in some recent positive indications, including encouragement by FRY authorities of Kosovo Serb participation in civil registration and an agreement on tax collection points.

Continuing instances of ethnically and politically motivated violence, as well as organized crime, remained of great concern. Tensions in the Mitrovica, Gnjilane and Pristina regions had increased, as had targeted attacks on specific individuals, particularly of the Kosovo Serb community. There was a severe limitation on freedom of movement as a result of the temporary suspension of UNHCR-operated bus lines and the interruption of train services. The single most disturbing and extreme act of violence was the 18 April bomb attack in the centre of Pristina (see

p. 351). Kosovo Albanian leaders were swift to condemn that attack, reflecting their relatively recent readiness to condemn such terrorist acts. Violence against the international community was on the rise. Openly aggressive behaviour towards law enforcement and security personnel had become commonplace, taking the form of threats and assaults against members of the Kosovo Police Service, UNMIK police and KFOR. On 11 April, a Russian KFOR soldier was fatally shot in the Kamenica area.

The Mitrovica region continued to be a focal point for violence and civil disobedience within the Kosovo Serb community. Following the arrest by UNMIK police of three Kosovo Serbs on 14 March, the level of violence escalated, resulting in the injury of 21 UNMIK police officers and damage to seven police vehicles and several houses. UNMIK police temporarily suspended patrols in northern Mitrovica, resuming them in early May with KFOR assistance. The blockades of critical road junctions in the largely Kosovo Serb-controlled northern municipalities of Leposavic, Zubin Potok, Zvečan and north Mitrovica from mid-April to early May further exacerbated the situation in the region. On 24 May, the Special Representative promulgated regulation 2001/10 on the prohibition of unauthorized border/boundary crossings, making crossing at locations other than at authorized border or boundary crossings a criminal offence.

In an effort to minimize the effect on Kosovo of the instability in the region, UNMIK fostered close cooperation with neighbouring States. In that context, the Special Representative met with Albanian representatives on 15 and 16 April and again on 16 May, as well as with FYROM authorities on 7 May.

An outbreak of inter-ethnic violence in FYROM and the resulting month-long closure of its border with Kosovo until 3 April adversely affected the political and security situation in Kosovo and severely limited UNMIK's freedom of movement and the delivery of essential supplies.

Although UNMIK was concerned over the phased re-entry into the GSZ of the joint Yugoslav forces, particularly the last phased re-entry into sector B effective 24 May (see p. 347), all phased redeployments went smoothly. Under consideration were programmes for the social rehabilitation of former UCPMB fighters to avoid further activity should they remain unemployed. To reduce the possibility of their becoming engaged in the ongoing conflict in FYROM, KFOR was also increasing its efforts at the border with that country.

**Communication.** In an 8 June press release [S/2001/601], the Russian Federation stated that,

since the adoption of resolution 1244(1999), the overall situation in Kosovo had remained tense. Despite the massive international presence there, an unacceptably high level of violence persisted, and ethnic Albanian extremists and separatists continued to intimidate and force out Serbs and other non-Albanians, and persisted in aggravating the situation in southern Serbia and FYROM.

UNMIK and KFOR efforts to ensure safe living conditions for all communities and to achieve stability had so far failed to bring about the expected results. The UNMIK leadership had taken decisions and actions without properly clearing them with the Yugoslav leadership; it neither took full account of the lawful interests of the Serb and other Kosovo communities, nor respected FRY's sovereignty and territorial integrity, in particular the promulgation by UNMIK's head of the Constitutional Framework for Provisional Self-Government in Kosovo and his announcement of the holding of province-wide elections in November.

The Russian Federation was convinced that the Kosovo problem could be settled only on the basis of the strict and full implementation of resolution 1244(1999); it intended to do everything possible to contribute to that goal.

#### *Security Council mission*

A Security Council mission on the implementation of resolution 1244(1999) visited Kosovo, FRY, from 16 to 18 June [S/2001/600]. Organized pursuant to the Council's 15 May decision [S/2001/482], the mission was to: find ways to enhance support for the implementation of the resolution; observe the situation on the ground and UNMIK's operations, including the difficult challenges facing it; look at the impact of the regional situation on UNMIK's work; convey a strong message to local leaders and all others concerned about the need to reject all violence, ensure public safety and order, promote stability, safety and security, inter-ethnic reconciliation and inclusion, support the full and effective implementation of resolution 1244(1999) and fully cooperate with UNMIK to those ends; and review ongoing implementation of the prohibitions imposed by the Council in resolution 1160(1998) [YUN 1998, p. 369].

The mission comprised the Permanent Representatives to the United Nations of Bangladesh (head of mission), China, Colombia, France, Ireland, Jamaica, Mauritius, Norway, the Russian Federation, Tunisia, the United Kingdom and the United States, a Counsellor of Mali and Minister-Counsellors of Singapore and Ukraine.

The mission held discussions with: the Special Representative and other related UN, OSCE and EU officials; a representative group of Kosovo

women; members of the Yugoslav Committee on Kosovo and the Kosovo Serb representative in the joint working group on the drafting of the Constitutional Framework; the UN regional administration in Mitrovica and, separately, Kosovo Albanian and Kosovo Serb representatives; the Russian Federation President, who was visiting the region; the KFOR Commander; and the FRY President, Foreign Minister and Interior Minister.

The mission found that, in the two years since its inception, UNMIK had made considerable progress in implementing resolution 1244(1999), although much remained to be done. At the current critical stage of its mandate, the continued effectiveness of UNMIK required a major effort on its part and by KFOR and UNMIK police, backed up by the Council and by a sustained input of resources from the international community.

While the mission was left in no doubt that strong reservations existed about the difficulties involved in advancing preparations for the Kosovo elections on the basis of the Constitutional Framework, it recognized that the status quo was unacceptable and that a political process had to be taken forward in accordance with resolution 1244(1999). In underscoring that elections would enhance the democratic process in Kosovo and the region's stability, the mission stressed that secure conditions for holding them should be ensured. The participation of all communities in the elections, as well as the return of refugees and displaced persons so that they might also participate, should be encouraged.

The mission supported UNMIK's efforts to create a multi-ethnic Kosovo and emphasized the need to remove current obstacles to it, such as inadequate physical, social and economic security, and lack of freedom of movement and equal access to public services. It welcomed the Special Representative's establishment of the new UNMIK police and justice pillar (see p. 348) and legislation to combat organized crime, illegal weapons possession and terrorism. It noted the consequent additional resources required for justice and policing, an Assistant Secretary-General position to head the new pillar, increasing the number of international judges and prosecutors and additional detention facilities. It recommended that KFOR regularly provide detailed information on weapons seized so as to enable the Security Council Committee established pursuant to resolution 1160(1998) to pursue possible violations.

The mission also recommended that intensified efforts be exerted towards resolving the issue of missing and detained persons (see p. 351). It

supported the development of a comprehensive strategy to resolve the complex situation in Mitrovica, and emphasized the need for multi-ethnic initiatives in the social, economic and religious areas to start rebuilding confidence between the communities.

The mission underlined the responsibility of the Kosovo leadership for creating conditions conducive to improving inter-communal relations and promoting reconciliation. It conveyed to all community leaders that the responsibility lay with them clearly and openly to reject violence, extremism and terrorism, and that the majority should ensure respect for the rights of the minority communities. It advised the Kosovo Albanian leadership to be more forthcoming with regard to improving the treatment of the minority communities. In turn, minority communities should realize that there was no alternative to establishing a multi-ethnic society. The mission acknowledged that those communities had legitimate grievances, which it urged UNMIK and KFOR to address, but believed that participation was the only viable future for all communities. The Kosovo Serb community, in particular, should integrate into the structures being set up by UNMIK, rather than attempt to set up parallel ones. UNMIK should enhance its dialogue with the FRY authorities, whose influence in Kosovo was key in the implementation of resolution 1244(1999). Further efforts to ensure full implementation of that resolution remained a high priority of the Council.

The mission's report was presented to the Council on 19 June [meeting 4331] and debated on 22 June [meeting 4335], during the Council's consideration of the Secretary-General's June report on UNMIK (see p. 353).

#### *Further developments*

**Security Council consideration (July, August, September).** The Security Council, at its meetings on 26 July [meeting 4350] and 28 August [meeting 4359] and a private meeting on 17 September [meeting 4373], continued to review the political and security developments in Kosovo and the effects on it of the security situation in FYROM.

At the July meeting, the Under-Secretary-General for Peacekeeping Operations informed the Council that, in terms of implementing the Constitutional Framework, UNMIK was continuing to determine its provisions and to prepare for the transfer of authority after the elections. Specifically, UNMIK's focus was on the development of the institutions of the executive branch, as they were not spelled out in the Constitutional Framework, and on the support and oversight UNMIK was to provide to those institutions. Preparations

for the transition had stressed the “Kosovarization” of senior management and the capacity-building of local staff in administration, procurement, market management policy, budget and finance.

The Under-Secretary-General also touched on relations with Belgrade, which, he said, continued to intensify. The appointment of Serbia’s Deputy Prime Minister as the Coordinator for Kosovo added a new dimension to that relationship. Those relations were being complicated, however, by the increasingly direct activity of the authorities of FRY and Serbia in Kosovo, including attempts by the Federal Committee for Kosovo to establish its own executive functions and business registration activities in Kosovo, as well as the opening of regional offices without UNMIK consent. An additional complicating factor was the humanitarian convoy organized on 14 July by the Kosovo Albanian party, PDK.

In his briefing of the Council at the August meeting, the Under-Secretary-General said that UNMIK was finalizing the structure of the institutions of provisional self-government, in which the JIAS departments would be streamlined into a more manageable number of government ministries. To build political consensus on the future structures, the Special Representative consulted the local leadership, who had expressed support for the streamlining. Along with preparations at the central level, the consolidation of municipal structures continued, with further efforts to devolve authority to municipalities. He informed the Council that relations with Belgrade had improved. A step forward was the 15 August meeting between the Special Representative, the KFOR Commander and Serbia’s Deputy Prime Minister, at which the Special Representative reiterated the need to implement resolution 1244(1999) in all of Kosovo and to ensure that no parallel security and administrative structures were in place, especially in Mitrovica and northern Kosovo. UNMIK was currently exploring administrative ways to improve working relations with FRY’s Joint Coordination Centre for Kosovo. In keeping with the parties’ agreement to meet regularly, they held another meeting near Pristina on 21 August.

At the private meeting on 17 September, the Council was briefed by Serbia’s Deputy Prime Minister, who was also head of FRY’s Coordination Centre for Kosovo. He expressed concern about the continuing violence in Kosovo, the very small number of displaced persons returning to the province and the certification of extremist parties. He appealed for cooperation between UNMIK and FRY authorities along the

lines of the cooperation developed between KFOR and Yugoslav authorities in the GSZ (see p. 347).

**Communication.** On 25 July [S/2001/740], the FRY Foreign Minister, in a letter addressed to the Special Representative, complained that the “Guidelines for visits of government officials and political entity representatives from the Federal Republic of Yugoslavia” to Kosovo, adopted by UNMIK and conveyed to him on 17 July, were likely to impede rather than facilitate visits of government officials and political party representatives. The formalities required, including conditions for approval and periods for the submission of requests for visits, contained serious restrictions that implied relations between sovereign States, which were clearly inappropriate for visits by individuals from the rest of FRY to Kosovo and Metohija, an integral part of FRY and its constituent Republic of Serbia. Those measures were not conducive to fruitful cooperation with the international community. The Foreign Minister asked the Special Representative to reconsider the Guidelines, and expressed FRY’s readiness to settle that and other matters by an agreement on cooperation with, and on the status of, UNMIK.

**Report of Secretary-General (October).** In his October report on UNMIK [S/2001/926], the Secretary-General noted that, despite PDK’s initial reticence in respect of the Constitutional Framework, all major Kosovo Albanian political forces appeared to have lent their support to important political and security initiatives and crucial legislation to combat terrorism and organized crime.

On the sensitive issue of the Framework for Return of Kosovo Serbs, the stated preference of the Kosovo Albanian members of the Interim Administrative Council was for that return process to start after the November elections. In public statements, however, they acknowledged the role of the Kosovo Serb community in Kosovo’s future, marking a significant departure from the previously held position of the main political parties. They moreover joined UNMIK in calling on the Kosovo Serb community to register and participate in the November elections and agreed that special measures had to be taken to protect the Kosovo Serb community and guarantee its presence in Kosovo.

The political engagement of the Kosovo Serb communities was an ongoing challenge, as their political entities continued to look to Belgrade for sponsorship and direction. The communities remained divided and reluctant to participate in the administrative structures. Progress in incorporating minority communities in the municipal assemblies and related structures was mixed, al-

though recent advances were noted, particularly the assumption of seats in the Pristina Municipal Assembly by three Kosovo Serb appointees.

Ethnically motivated violence against Kosovo minority communities continued, including an increase in the number of attacks at the beginning of August and of September. Nevertheless, freedom of movement of minority communities incrementally improved, following UNMIK's full assumption of operational responsibility for the bus lines, hitherto sponsored by UNHCR, and for the "freedom of movement" trains between key Kosovo communities. The number of incidents involving the use of weapons remained alarming. UNMIK and KFOR continued to eliminate unauthorized weapons in Kosovo and, in a Kosovo-wide operation, KFOR continued to confiscate weapons and seek out suspected members of armed groups. Following a number of apparently politically motivated criminal incidents, including the attempted assassination of an LDK politician in Srbica (Mitrovica region), UNMIK re-established the Political Violence Task Force to coordinate response to any such future attempts.

UNMIK worked with KFOR to reduce the impact on FYROM of ethnic Albanian armed groups operating from Kosovo and to sever possible ties between radical elements in Kosovo and the so-called National Liberation Army operating in FYROM (see p. 372). More than 1,200 people had been detained and processed under regulation 2001/10 on the prohibition of unauthorized border/boundary crossings. KFOR reported no evidence of any involvement of the Kosovo Protection Corps in FYROM. UNHCR estimated that 26,000 refugees from FYROM remained in Kosovo as at 30 September, mainly in the Gnjilane region. UNMIK was increasingly concerned about the potential impact on inter-ethnic relations of ethnic Albanian refugees from FYROM taking up residence in Kosovo. It feared that the presence of those refugees in the Gnjilane and Prizren regions, where the majority were interspersed among mixed and minority communities, could affect areas being considered for minority returns.

Substantial progress had been made in the preparations for the transfer of authority to the institutions of provisional self-government. On 13 September, the Special Representative promulgated regulation 2001/19 on the Executive Branch, setting out the functions and competencies of the ministries of the provisional self-government. Work was under way to streamline the 20 JIAS departments into 10 ministries, covering the executive functions listed in chapter 5 of the Constitutional Framework. The regulation also defined the functions and responsibilities of the senior civil service of the provisional institu-

tions of self-government and laid out general principles for its establishment, including a requirement that its composition should generally reflect the participation of Kosovo's various communities in the Assembly.

UNMIK continued preparations for the elections to the Kosovo Assembly. Voter and civil registrations were conducted from 30 July to 22 September. New Kosovo Albanian registrants totalled 23,940, while new minority community registrants (mainly Kosovo Serbs) totalled 69,349. In Serbia proper, 98,380 people registered, and 5,873 in Montenegro. Mail-in registration applications numbered 58,456. The institution-building pillar estimated that over 170,000 new registrants from non-Albanian Kosovo communities had registered, some 150,000 of whom were Kosovo Serbs.

To encourage participation of all communities in the electoral process and in the ensuing institutions of provisional self-government, the institution-building pillar established a special task group with five mobile teams to reach out to Kosovo Serbs and communities of internally displaced persons currently living in and outside Kosovo. A call on Kosovo Serbs to register by FRY's President and by Serbia's Prime Minister at the end of August gave momentum to the process, triggering an average daily registration of 3,000 to 4,000 Kosovo Serbs.

Between 22 June and 20 July, 33 political entities applied for certification, of which 25 had so far been certified by the Central Election Commission. An estimated 12,000 to 14,000 candidates were expected to run for office. The Commission had adopted electoral rules covering the role of municipal election commissions, the status of observers during the electoral process, the issue of candidate registration and equitable media access for political entities. The Commission had also determined that one third of the candidates in the first two thirds of the registration list should be women. The institution-building pillar re-established the Political Party Consultative Forum, which had proved effective in disseminating election information for the 2000 municipal elections [YUN 2000, p. 367]. OSCE continued its educational project, "Voters' voices", to hear voters' concerns about Kosovo-wide issues.

#### SECURITY COUNCIL ACTION (October)

On 5 October [meeting 4388], following consultations among Security Council members, the President made statement **S/PRST/2001/27** on behalf of the Council:

The Security Council welcomes the report of the Secretary-General and commends the Special Rep-

representative of the Secretary-General and the commander of the international security presence (KFOR) for their ongoing efforts to implement fully resolution 1244(1999).

The Council welcomes the elections to be held on 17 November as a basis for the establishment of democratic self-governing institutions as specified in the Constitutional Framework for Provisional Self-Government, under which the people of Kosovo, Federal Republic of Yugoslavia, will enjoy substantial autonomy in accordance with resolution 1244 (1999). It emphasizes the responsibility of Kosovo's elected leaders to respect fully the final status provisions of resolution 1244(1999). It reaffirms its commitment to the full implementation of resolution 1244(1999), which remains the basis for building Kosovo's future.

The Council supports the continuing efforts by the United Nations Mission in Kosovo and KFOR to improve public security, including through the confiscation of weapons and the package of legislation to combat violence, and to facilitate the return of displaced Serbs and members of other communities. It calls on Kosovo Albanian leaders to actively support these efforts to promote security and return, and to combat extremism, including terrorist activities. It further calls on all Kosovo leaders to publicly condemn violence and ethnic intolerance. It calls on them to exert all their influence and assume their responsibility for actively ensuring that the campaign and the elections are peaceful, democratic and inclusive. It stresses the need for proper organization and adequate security for the elections on 17 November, and welcomes continuing steps taken in that regard.

The Council calls on all women and men of Kosovo to vote in the elections of 17 November. This will provide for the broadest possible representation of views in the institutions of the provisional self-government. The Council commends the authorities of the Federal Republic of Yugoslavia, particularly President Kostunica, for their encouragement to the Kosovo Serb community to register, which confirms the multi-ethnic character of Kosovo, and calls on them to also actively encourage the fullest possible participation in the vote. It underlines the importance, for the Kosovo Serb community, to integrate in the structures set up by the Mission. It encourages the further development of a constructive dialogue between UNMIK and the authorities of the Federal Republic of Yugoslavia.

The Security Council will remain actively seized of the matter.

**Communications.** FRY's President, in a 6 November letter [S/2001/1051], drew the Secretary-General's attention to the FRY-UNMIK joint document known as the Common Document, signed the previous day, defining issues and cooperation between FRY and UNMIK for the consistent and comprehensive implementation of resolution 1244(1999). The President noted that the Document included agreement on provisions related to the judiciary and to the police in the Serb-majority areas, without which the Document

would not have been complete. The President said he was convinced that implementation of the Document, together with the establishment of the related high-ranking working group, would ensure better communication and open institutional cooperation between UNMIK, FRY and Serbia to resolve accumulated problems in Kosovo and Metohija, in compliance with resolution 1244(1999) and FRY's territorial integrity and sovereignty. He also referred to his and Serbia's call on Kosovo Serbs to take part in the 17 November elections, which he believed was in their best interest.

In a 6 November statement [S/2001/1081], the EU welcomed the 3 November call on Kosovo Serbs to participate in the 17 November elections and the signing on 5 November of the UNMIK-FRY joint document.

#### SECURITY COUNCIL ACTION (November)

On 9 November [meeting 4409], following consultations among Security Council members, the President made statement **S/PRST/2001/34** on behalf of the Council:

The Security Council welcomes the progress made in preparing the Kosovo-wide elections on 17 November 2001 and calls on the Special Representative of the Secretary-General and all parties concerned to continue to strive for full implementation of resolution 1244(1999) of 10 June 1999. It further calls upon all women and men of Kosovo, Federal Republic of Yugoslavia, to vote.

The Council welcomes the helpful role played by the President of the Federal Republic of Yugoslavia and the Governments of the Federal Republic of Yugoslavia and the Republic of Serbia in recommending Kosovo Serb participation in the elections. Participation will allow them to take part in shaping Kosovo's multi-ethnic future.

The Council welcomes the signing on 5 November 2001 of the UNMIK-FRY Common Document by the Special Representative of the Secretary-General and the Special Representative of the President of the Federal Republic of Yugoslavia and the Government of the Federal Republic of Yugoslavia and the Government of the Republic of Serbia. This document is consistent with resolution 1244(1999) and the Constitutional Framework for Provisional Self-Government in Kosovo.

The Council reaffirms the statement of its President of 5 October 2001. It encourages the further development of a constructive dialogue between the United Nations Interim Administration Mission in Kosovo and the authorities of the Federal Republic of Yugoslavia. It emphasizes the responsibility of the provisional institutions of self-government and all concerned to respect fully the final status provisions of resolution 1244(1999). It underlines its continued commitment to the full implementation of resolution 1244(1999), which remains the basis for building Kosovo's future.

### *Transitional arrangements*

The Special Representative, reporting to the Security Council on 5 October [meeting 4387], said that UNMIK was moving into a determining phase of interim administration in Kosovo. After the November elections, its role of direct administrative responsibility would evolve into one of oversight. UNMIK would transfer many of its interim administrative responsibilities to the provisional institutions of self-government, but would continue closely to monitor and support those institutions to ensure compliance with resolution 1244(1999), the Constitutional Framework and other relevant UNMIK regulations. During that period, its overarching mandate would remain the same, as would the Special Representative's ultimate authority.

In accordance with UNMIK regulation 2001/19, ten ministries would compose the Executive Branch of the provisional self-government (see p. 357). One of the ministers would come from the Kosovo Serb community and one from the non-Albanian community. To lay the groundwork for the transfer of responsibility to the ministries, the JIAS departments were merged into transitional administrative departments, whose composition reflected the distribution of responsibilities set out in regulation 2001/19. From 3 October until the certification of the general elections, UNMIK would continue to consolidate the transitional administrative departments, while preparing for their separation into provisional self-government ministries and reserved UNMIK structures. Also on 3 October, the function of "Co-heads" ceased and all Co-heads were given leave with pay until 17 November.

As part of the transition, the Kosovo Transitional Council concluded its activities on 2 October, but the Interim Administrative Council would continue to operate until the date of the transfer of powers to the provisional institutions. Functional responsibility for the administration of Kosovo would be divided between UNMIK and the provisional institutions of self-government. The transfer once made, the UNMIK structures and the provisional institutions of self-government would become separate and distinct entities. The future Assembly, however, would be able to pass legislation only within the transferred areas of responsibility.

The Executive Branch would consist of the Office of the Prime Minister and the Ministries of Finance and Economy; Trade and Industry; Education, Science and Technology; Culture, Youth and Sports; Health, Environment and Spatial Planning; Labour and Social Welfare; Transport and Communications; Public Services; and Agriculture, Forestry and Rural Development. The

Ministers would be political appointees selected by the Prime Minister and confirmed by the Assembly. They would be responsible for setting policy and political direction for the Ministries but would not exercise direct administrative control over them. The Ministers would be assisted by up to five political appointees, one or more of whom would serve as a Vice-Minister, to whom the Minister could delegate authority in the latter's absence. Although most structures associated with JIAS would be absorbed into the Ministries, some, such as law enforcement, the judiciary and emergency preparedness, would remain under UNMIK's immediate control.

International staff members would be placed in the reserved and transferred structures. In the former, they would implement reserved functions, in line with resolution 1244(1999) and chapter 8 of the Constitutional Framework. In addition, a number of international staff members would be seconded to the provisional institutions of self-government, mostly to the Ministries, to oversee and monitor compliance with resolution 1244(1999), the Constitutional Framework and key UNMIK regulations. To that end, a senior international officer would sit next to each Minister to oversee, monitor and advise the Minister.

Other international staff members would sit in actual line management positions within the Ministry, where they would implement certain transferred functions for a limited time under the authority of the local Minister. They would gradually exchange their functional responsibilities for a purely advisory and oversight role as additional qualified Kosovo civil servants were identified and recruited.

Although there would be a clear functional and organizational separation between UNMIK and the provisional institutions of self-government, procedures would be in place to ensure that the Assembly and the Government fully respected resolution 1244(1999) and the Constitutional Framework for Provisional Self-Government.

### *Kosovo-wide elections*

The Assistant Secretary-General for Peacekeeping Operations, in his briefing of the Security Council on 27 November [meeting 4430], said that the period leading up to the elections was relatively calm and free of violence. All parties carried out rallies throughout Kosovo that were peaceful and that largely adhered to the electoral rules.

Eligible voters totalled 1,250,318 (1,108,787 in Kosovo, 105,159 in Serbia and Montenegro and 36,372 by mail), of whom an estimated 150,000 were Kosovo Serbs. More than 1,300 candidates

from 26 political parties contested the elections, including 60 from the Kosovo Serb Return Coalition. The signing of the UNMIK-FRY Common Document (see p. 358) largely made it possible for that Coalition to decide to participate in the elections and to provide its list of candidates. FRY's and Serbia's 3 November endorsement of Kosovo Serb participation in the elections also helped. At the same time, it was agreed that a memorandum of understanding would be signed with the respective commissariats for refugees, enabling UNMIK's OSCE-led institution-building pillar to carry out technical preparations for the elections in Serbia and Montenegro in conjunction with the International Organization for Migration (IOM).

The election for the Assembly went smoothly. There were 13,286 local observers from all communities, as well as several hundred others from the Belgrade-based Centre for Free Elections and Democracy. The overall turnout was 64.3 per cent of Kosovo's 1.25 million registered voters, with an estimated 65 per cent in primarily Kosovo Albanian areas and about 46 per cent in non-Albanian areas. Kosovo Serb participation was patchy, with a higher turnout in the enclaves than in northern Mitrovica.

On 24 November, the Special Representative certified the final results of the vote as follows: the Democratic League of Kosovo (LDK) received 45.65 per cent (359,851 votes); the Democratic Party of Kosovo (PDK), 25.7 per cent (202,622 votes); the Return Coalition, 11.34 per cent (89,388 votes); and the Alliance for the Future of Kosovo (AAK), 7.83 per cent (61,688 votes).

Seven smaller political parties, including three from the minority communities, received enough votes to obtain one seat each in the Assembly: the VATAN Coalition, a coalition of Bosniacs and Gorani; the National Movement for the Liberation of Kosovo (LKCK); the Turkish People's Party of Kosovo (KDTP); the Christian Democratic Party of Kosovo (PSHDK); the Justice Party (PD); the People's Movement of Kosovo (LPK); and the New Democratic Initiative of Kosovo (IRDK), a new Egyptian political party.

On the basis of those results, 14 parties would be represented in the Assembly, 11 through direct elections and 3 with set-aside seats. LDK would be allocated 47 seats; PDK 26; the Return Coalition 22, which included the 10 seats set aside for the Kosovo Serb community in the Constitutional Framework; AAK 8; VATAN 4, including 3 set-aside seats; KDTP 3, including 2 set-aside seats; the Ashkali Albanian Democratic Party 2 set-aside seats; IRDK 2, including 1 set-aside seat; LKCK 1; LPK and PD 1; PSHDK 1; and 1 set-aside each for the

United Roma Party of Kosovo and the Bosniac Party of Democratic Action of Kosovo.

The Assistant Secretary-General said it was clear from the results that no party would be able to govern alone, since 61 seats in the Assembly were required for a majority. Negotiations had therefore begun on coalition-building.

The Council, in a 19 November press statement by its President [S/2002/160], welcomed the 17 November elections, which were held in peaceful and orderly conditions and with a good turnout of all communities. It was an important step in the implementation of resolution 1244(1999) and would make possible the establishment of democratic institutions of self-government. The Council recalled the responsibility of Kosovo's elected leaders to respect that resolution fully, in particular its final status provisions, and to comply with the Constitutional Framework, which would contribute to building a democratic, pluralist and prosperous future for all of Kosovo's communities.

#### *Establishment of provisional institutions of self-government*

In a later report on UNMIK [S/2002/62], the Secretary-General stated that, since no party gained enough seats in the Assembly to govern alone, attention was focused on forming a coalition. The main efforts concentrated on a power-sharing arrangement between the three main Kosovo Albanian parties. On 7 December, UNMIK arranged a meeting between Mr. Rugova, leader of LDK, and Mr. Thaci, leader of PDK. Representatives of foreign Governments also hosted meetings with the main party representatives in the Assembly.

On 10 December, the Assembly held its inaugural session, at which both the seven-member presidency of the Assembly and the President of Kosovo were to be elected; the latter would then nominate a Prime Minister for endorsement by the Assembly. However, PDK did not submit candidates for the two presidency seats reserved for it, and the Assembly elected only its President, Nexhet Daci of LDK, and four other members (one from LDK, two from the Kosovo Serb Return Coalition and one from the United Roma Party). On 13 December, the Assembly met again to elect the President of Kosovo. The only candidate was Mr. Rugova, who received 49 votes—well short of the 80 votes required.

The Secretary-General also reported that security and freedom of movement for Kosovo minority communities remained a serious concern. On 1 December, KFOR and UNMIK police launched the largest simultaneous weapons search operation, involving 3,000 soldiers from

all five multinational brigades, which resulted in the arrest of 12 people and the seizure of an assorted range of weaponry.

### *Sectoral developments*

#### *Kosovo minority communities*

The number of persons returning to Kosovo continued to decline. In January, IOM assisted some 430 persons to return voluntarily, while the UNMIK border police reported that some 530 persons had been forcibly returned. The Framework on Return of Kosovo Serbs, adopted in January by the Joint Committee on Returns of Kosovo Serbs in Gracanica, outlined measures for establishing conditions conducive to safe and sustainable return, such as the provision of basic services and effective policing. Consultations on the Framework had begun with Kosovo Albanian political and community leaders, as well as with human rights activists, religious leaders and journalists. To further create conditions conducive to returns, the Joint Committee adopted an action plan for the 10 most advanced potential return locations in Kosovo, which was set in motion by local working groups. The first organized returns began on a small scale, with the voluntary return on 13 August of 53 Kosovo Serbs to the Osojane Valley (Pec region), one of the 10 sites identified in the action plan, followed by the return of 30 more internally displaced persons on 22 August. More returns to Osojane followed and more were expected. Mixed returns began at the end of August in the Leshtar area near Kamenica (Gnjilane region). UNHCR, with funding from the European Agency for Reconstruction and bilateral donors, was providing temporary shelter and basic needs while the returnees reconstructed their houses. Work also continued to facilitate the potential return of members of the Kosovo Roma, Ashkali and Egyptian communities.

However, the non-Albanian communities, particularly the Kosovo Serbs, continued to suffer disproportionately from major crimes and ethnically motivated acts of intimidation, eroding the confidence of minority communities and undermining the Special Representative's efforts to include all of Kosovo's inhabitants in the current administrative structures and in the future self-government. Some progress was made in incorporating Kosovo minority communities at the municipal level. Most Kosovo Turks, Roma, Ashkali, Egyptians and Bosniacs had taken up their reserved seats in the municipal assemblies and had been generally accepted by their Kosovo Albanian colleagues. The participation of Kosovo Serbs, however, had been uneven at best.

To coordinate UNMIK's approach towards engaging the Kosovo Serb community, several priority initiatives were being pursued to address that community's day-to-day concerns, including the allocation of revenues from taxes collected in Kosovo to minority communities; the implementation of employment-generating projects; improved public services and utilities; integration of the 24 local community offices as part of the local administration structure to ensure equal access to public services; and the provision of more educational and health facilities, as well as social welfare benefits. In addition, the OSCE-led institution-building pillar had established the Small Investment Minorities Fund for particularly vulnerable minority groups, which focused on income-generating projects or projects related to health, education and culture.

Multi-ethnic capacity-building was also promoted through the Kosovo Police Service, where 15 per cent of the cadets were from minority communities. In addition, Kosovo Albanians and Kosovo Serbs were cooperating in fire and rescue services and in demining activities. At the end of April, the first two Kosovo Serbs, alongside two Kosovo Turks, were inducted into the Kosovo Protection Corps.

A major advance on the issue of missing persons was the establishment on 19 June of the UNMIK/FRY contact groups on missing persons and detainees, which had since met twice monthly in Pristina and Belgrade. Their work resulted in increased Kosovo Serb participation in the judicial system and support for the UNMIK recruitment campaign in Serbia proper for judges and prosecutors; the development of mechanisms to coordinate administrative and operational support for defence counsels, witnesses and family members; the assistance of Serbian forensic pathologists in the confirmation of post-mortem results; the production of a consolidated list of missing Kosovo Serbs and other minorities; and the development of protocols for joint verification and forensic teams and for the cross-boundary repatriation of identified remains. Another key development was the signing of a memorandum of understanding between UNMIK and the International Commission for Missing Persons on 24 July to begin the process of DNA testing to facilitate the identification of missing persons.

Investigations continued on a number of mass graves in Serbia proper, believed to contain the remains of Kosovo Albanians. UNMIK had been provided with some details on the graves' contents and on recent post-mortem findings.

Regarding the problem of Kosovo Albanian detainees in Serbia proper, discussions were in progress on the possible handing over of their

cases to UNMIK for judicial review. Talks were also in progress with the Belgrade authorities about Kosovo Serb detainees in Kosovo, addressing concerns of bias, miscarriage of justice and security.

The main strategy to deal with education issues focused on building a sustainable Kosovo Serb education system, with full recognition of the structures under the Constitutional Framework and maintaining strong ties with educational reforms in Serbia. A delegation headed by the international joint head of the Department of Education visited Belgrade to discuss issues relating to Kosovo Serb schools, teachers' contracts and curricula. The core curriculum would allow the Kosovo Serb community to retain its special syllabus for general and vocational education. The language issue had also come close to a practicable solution: Albanian would be offered as an option in Kosovo Serb schools, but would not be compulsory.

#### Judicial system and rule of law

A major focus of UNMIK efforts was on improving the quality and functioning of the judiciary in Kosovo. The credentials and performance of current judges and prosecutors were undergoing rigorous assessment, while screening of prospective candidates continued. The institution-building pillar had begun taking steps towards the provision of advocacy and legal aid. A working group was set up to coordinate plans to systematize and expand legal aid and guarantee minority access to it. The problem of access to the judiciary was compounded by difficulties in recruiting non-Albanian Kosovo judges and prosecutors, especially in the light of security threats against those groups. The ombudsperson institution was fully operational and currently investigating cases pertaining to employment disputes, to violations of property rights, social rights and equal access to public services, and to discriminatory practices.

The institution-building pillar, UNMIK police and the Department of Justice were jointly endeavouring to bring the practices and procedures of the Kosovo law enforcement and judicial authorities in line with international human rights standards. It established a working group with the Department of Justice to implement the recommendations set out in its Six-month Review of the Criminal Justice System. A review of the criminal code, juvenile law and commercial legislation in Kosovo was under way. The Kosovo Law Centre was cooperating with the University of Pristina Law Faculty in the implementation of academic reform and development of the law curriculum.

The creation of the new police and justice pillar (see p. 348) coincided with robust measures by UNMIK to bolster the legislative basis for prosecuting serious crime, including terrorism and organized crime. On 24 May, the Special Representative signed regulation 2001/10 on the prohibition of unauthorized border/boundary crossings, which came into effect on 4 June, together with regulation 2001/7 on the authorization of possession of weapons in Kosovo, following a month-long amnesty. Other initiatives included the elaboration of legislation to combat terrorism, the creation of more robust mechanisms for detaining alleged criminals, and implementation of systems to make the criminal prosecution institutions more just.

Key to UNMIK efforts to improve the justice system were its activities, through the Prosecution Services and Court Administration (PSCA), to coordinate and implement local judiciary reform. Currently employed in local courts and other non-correctional judicial institutions were 325 local judges, with 51 prosecutors plus a further 617 lay judges and about 1,000 operational support staff. PSCA developed a comprehensive inspection system to ensure the judiciary's independence and impartiality. Administrative direction 2001/4, issued on 11 May, established the Judicial Inspection Unit to conduct inspections, audits and investigations within the judicial system.

On the legislative front, three key regulations were signed on measures against organized crime, on cooperative witnesses and on the protection of injured parties and witnesses in criminal proceedings. Work started on refurbishing a witness protection office; a witness protection director was appointed, who had begun developing a witness protection programme. Progress was also made in forming the Kosovo Organized Crime Bureau. On 25 August, regulation 2001/18 on the establishment of a detention review commission for extrajudicial detention based on executive orders was promulgated, providing a mechanism for the review of extrajudicial detentions based on such orders, additional procedural protection and enhanced transparency.

The Department of Justice continued its recruitment efforts to increase the number of international judicial personnel, currently comprising eight international judges and six international prosecutors. An additional four judges and four prosecutors were under recruitment and, in August, an international prosecutor was appointed to the Office of the Public Prosecutor.

To raise the quality of the domestic judicial system, the Kosovo Judicial and Prosecutorial Council began the first disciplinary hearings in

mid-September against local judges and prosecutors, stemming from investigations by the Judicial Inspection Unit. Progress was also made in the selection of judges and prosecutors, establishment of codes of conduct, judicial evaluations and the bar examination.

A more complex prison infrastructure was developing: five detention centres and two prisons were in operation and housed 664 inmates. The quick-build detention facility project to provide an additional 200 beds was proceeding, together with the refurbishment of Dubrava prison, providing another 300 beds. The construction of a special secure unit at Dubrava prison for high-risk prisoners was nearing completion. The Department of Justice had also begun implementing basic programmes in education and vocational training in the Lipljan and Dubrava prisons. Two urgent priorities were the development of a parole and probation service and addressing the needs of mentally ill inmates.

**Communication.** On 26 April [S/2001/428], the EU issued a statement welcoming the decision by Serbia's Supreme Court to release 145 Kosovo Albanians of the so-called Djakova/Djakovica group, sentenced in May 2000 to prison terms of between seven and 13 years for acts of terrorism allegedly carried out during the NATO campaign in 1999. The EU expected Serbia to complete the review of the remaining cases as rapidly as possible in order to correct the injustices of the Milosevic era.

#### Economic reconstruction and development

Through the UNMIK economic reconstruction pillar, Kosovo's emergency reconstruction needs had been largely met, so that emphasis began shifting towards developing economic sustainability. International donors, led by the EU and its member States, the United States and Japan, continued to support Kosovo's development drive. The 2001 Kosovo consolidated budget sought 700 million deutsche mark (DM) in new commitments to fund public reconstruction and investment programme activity, of which some DM 381 million had been committed by the end of March.

Meanwhile, domestically generated revenue increased as tax collection improved. That was achieved through UNMIK's tax policy, notified to FRY in February, under which tax collection points were set up on 15 April along Kosovo's borders and boundary lines, where a 15 per cent sales tax was levied on all saleable goods (except wheat, flour, fruit and vegetables) and an excise tax on alcohol, cigarettes and fuel. A 10 per cent customs duty was also levied, except for goods originating in FYROM and the rest of FRY. Despite

efforts to explain the legality and necessity of the tax collection points to the public, the Kosovo Serb population interpreted their emplacement as compromising FRY's sovereignty and Security Council resolution 1244(1999). At the end of May, FRY authorities, in a joint statement signed with UNMIK's economic reconstruction pillar, agreed to the tax collection points along the administrative boundary line in northern Kosovo. By October, 90 per cent of the official commercial traders were reporting to tax collection offices in Mitrovica, approaching the level of compliance in the rest of Kosovo. Businesses in northern Kosovo were also registering with UNMIK to pay tax. As part of the strategy for creating a sustainable tax system for Kosovo, a 15 per cent value added tax (VAT) on most goods and services to replace the previous sales tax of the same rate came into effect in July. As donor funding tapered off, VAT would become the main tax in Kosovo and was expected to support growth in the export sector.

In the private sector, efforts were made to attract investment and foster industry through commercialization projects. Some 58 commercialization tenders had been issued, for about half of which bids had been received. Extra investment had come into Kosovo as a result of the commercialization process. The economic reconstruction pillar made progress in creating a banking sector. The Banking and Payments Authority of Kosovo approved two new branches for the New Bank of Kosovo in Orahovac (Prizren region) and Djakovica (Pec region). On 1 September, the Micro Enterprise Bank opened a branch in the "Confidence Zone" in Mitrovica.

Progress was also made in the communications and transportation sectors. Under a project to upgrade the communications network, transmission links were restored in many municipalities. A new digital telephone exchange, with a capacity of 23,000 lines, was installed in Pristina and the extension of the mobile network was continuing. Improvements in the transportation and communications infrastructure had also facilitated economic development and interaction between the different areas. Pristina airport was undergoing expansion and improvement of services. The experimental Pristina-Pec passenger train service had become permanent and freight rail traffic between FYROM and Kosovo had been running with increased frequency and payload. Work was also ongoing to improve Kosovo's power supply.

#### UNMIK police

At the end of 2001, UNMIK's police strength stood at 4,465 from 24 countries, out of the 1999

authorized strength of 4,718 [YUN 1999, p. 360]. Its priorities remained to increase success in solving serious crimes, in particular ethnically and politically motivated crimes. Work continued to reduce non-critical policing functions to allow an increased concentration of resources on core police priorities. Greatly helping that effort was the entry into force on 25 April of legislation on the operation of security service providers, which would free up UNMIK police resources.

With the launching in May of the police and justice pillar, the UNMIK police and the Department of Judicial Affairs were realigned into a single structure. That structure, headed by a Deputy Special Representative, who assumed duty on 16 August, had as its objectives to: consolidate a law and order structure that was responsive to peacekeeping and peace-building objectives and contributed to the promotion of the rule of law institutions in Kosovo; maintain effective international control and oversight over police and justice activities during the transition period; increase the short-term impact of law and order efforts through enhanced coordination of information and work; enable effective police and judicial response against destabilizing serious criminal activity in Kosovo; and establish an unbiased judicial process through initial international participation and reform of the judicial system.

The police and justice pillar would oversee the planned expansion of the Kosovo Police Service (KPS) from the current target of 4,000 police officers to a total of 6,000 by the end of 2002. The focus of training activities would shift from basic training to more supervisory and special training, anticipating the handover strategy of supervisory responsibility by UNMIK police to the KPS officers.

**Communications.** On 16 March [S/2001/238], Zimbabwe, a police-contributing country to UNMIK, informed the Security Council President that the United Kingdom had constrained Zimbabwe's efforts to deliver arms and ammunition to its civilian police in Kosovo, because British Airways, the only airline flying to Kosovo, refused to transport them. The reason given for the airline's refusal was that it was consistent with the British Government's current policies on the Government of Zimbabwe. Zimbabwe felt that UN peacekeeping operations should not be held hostage to bilateral relations between Member States. It asked that the Secretary-General bring the matter to the attention of relevant UN authorities with a view to its speedy resolution.

The United Kingdom replied on 20 March [S/2001/260] that that was the first time it had heard of the matter. Its investigation revealed

that British Airways, a private company totally independent of the British Government, had informed Zimbabwe of its inability to carry the equipment in question because of the United Kingdom embargo on arms exports to Zimbabwe and concerns over their transport across London, but had suggested alternative carriers. The United Kingdom said it was unlikely that its arms embargo would have applied in that case, and its Acting High Commissioner, when informed of the matter, had advised that it appeared to be a minor, practical problem and he was ready to find a solution if contacted. No subsequent contact was made by Zimbabwe's Foreign Ministry or police. The United Kingdom remained open to discussing the matter directly with the Zimbabwe authorities and in no way wished to obstruct Zimbabwe's participation in UNMIK.

#### *UNMIK financing*

In June, the General Assembly considered the Secretary-General's report on UNMIK financial performance for the period 10 June 1999 to 30 June 2000 [A/55/724], the proposed budget for UNMIK's maintenance for the period 1 July 2001 to 30 June 2002 and ACABQ's related observations and recommendations [A/55/874/Add.6]. On 14 June [meeting 103], the Assembly, on the recommendation of the Fifth Committee [A/55/663/Add.1], adopted **resolution 55/227 B** without vote [agenda item 133].

#### **Financing of the United Nations Interim Administration Mission in Kosovo**

*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 reports of the Advisory Committee on Administrative and Budgetary Questions,

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

*Recalling* 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 55/227 A of 23 December 2000,

*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,

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

*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 30 April 2001, including the contributions outstanding in the amount of 202.4 million United States dollars, representing 24 per cent of the total assessed contributions from the inception of the Mission to the period ending 30 June 2001, notes that some 20 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, 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;

3. *Expresses concern* about 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. *Urges* all other Member States to make every possible effort to ensure payment of their assessed contributions to the Mission in full and on time;

5. *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, in particular paragraph 9, and requests the Secretary-General to ensure their full implementation;

10. *Expresses concern* about the high level of unliquidated obligations in the Mission as at 30 June 2000;

11. *Requests* the Secretary-General to improve the timeliness and accuracy of the expenditure data for the Mission;

12. *Approves*, on an exceptional basis, the special arrangements for the Mission with regard to the application of article IV of the financial regulations of the United Nations, whereby appropriations required in respect of obligations owed to Governments providing formed units and/or logistic support to the Mission shall be retained beyond the period stipulated under financial regulations 4.3 and 4.4, as set out in the annex to the present resolution;

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

14. *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;

15. *Decides* to appropriate the amount of 413,361,800 dollars gross (385,256,870 dollars net) for the maintenance of the Mission for the period from 1 July 2001 to 30 June 2002, inclusive of the amount of 12,098,009 dollars gross (10,617,193 dollars net) for the support account for peacekeeping operations and the amount of 1,263,791 dollars gross (1,134,877 dollars net) for the United Nations Logistics Base, to be apportioned among Member States in accordance with the levels set out in General Assembly resolution 55/235, as adjusted by the Assembly in its resolution 55/236 of 23 December 2000, the scale of assessments for the year 2001 to be applied against a portion thereof, that is, 206,680,900 dollars gross (192,628,435 dollars net), which is the amount pertaining to the period ending 31 December 2001, and the scale of assessments for the year 2002 to be applied against the balance, that is, 206,680,900 dollars gross (192,628,435 dollars net) for the period from 1 January to 30 June 2002;

16. *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 15 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 28,104,930 dollars approved for the Mission for the period from 1 July 2001 to 30 June 2002;

17. *Decides further* that, for Member States that have fulfilled their financial obligations to the Mission, there shall be set off against the apportionment, as provided for in paragraph 15 above, their respective share of the unencumbered balance of 65,272,000 dollars gross (57,860,300 dollars net) in respect of the period ending 30 June 2000, in accordance with the composition of groups as set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989 and as adjusted by the Assembly in subsequent relevant resolutions and decisions for the ad hoc apportionment of peacekeeping appropriations, the latest of which were resolution 52/230 of 31 March 1998 and decisions 54/456 to 54/458 of 23 December 1999 for the period 1998-2000, and taking into account the scale of assessments for the year 2000, as set out in its resolutions 52/215 A of 22 December 1997 and 54/237 A of 23 December 1999;

18. *Decides* that, for Member States that have not fulfilled their financial obligations to the Mission, their share of the unencumbered balance of 65,272,000 dollars gross (57,860,300 dollars net) in respect of the period ending 30 June 2000 shall be set off against their outstanding obligations in accordance with the scheme set out in paragraph 17 above;

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

20. *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;

21. *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;

22. *Decides* to include in the provisional agenda of its fifty-sixth session the item entitled "Financing of

the United Nations Interim Administration Mission in Kosovo”.

#### ANNEX

##### Special arrangements with regard to the application of article IV of the financial regulations of the United Nations

1. At the end of the twelve-month period provided for in financial regulation 4.3, any unliquidated obligations of the financial period in question relating to goods supplied and services rendered by Governments for which claims have been received or which are covered by established reimbursement rates shall be transferred to accounts payable; such accounts shall remain recorded in the Special Account for the United Nations Interim Administration Mission in Kosovo until payment is effected.

2. In addition:

(a) Any other unliquidated obligations of the financial period in question owed to Governments for provision of goods and services rendered but not yet verified, as well as other obligations owed to Governments, for which claims have not yet been received shall remain valid for an additional period of four years following the end of the twelve-month period provided for in financial regulation 4.3;

(b) Claims received during this four-year period as well as approved verification reports shall be treated as provided for under paragraph 1 of the present annex, if appropriate;

(c) At the end of the additional four-year period, any unliquidated obligations shall be cancelled and the then remaining balance of any appropriations retained therefor shall be surrendered.

The Assembly further decided on 24 December that the item on UNMIK financing would remain for consideration during its resumed fifty-sixth (2002) session (**decision 56/464**) and that the Fifth Committee should consider the item at that session (**decision 56/458**).

#### International security presence (KFOR)

During the year, the Secretary-General submitted to the Security Council, in accordance with resolution 1244(1999) [YUN 1999, p. 353], reports on the activities of KFOR, also known as Operation Joint Guardian, covering the period 23 November 2000 to 31 October 2001 [S/2001/52, S/2001/205, S/2001/333, S/2001/465, S/2001/578, S/2001/707, S/2001/832, S/2001/910, S/2001/1002, S/2001/1131]. Two later reports covered activities during the remainder of the year [S/2002/122, S/2002/183]. As at 31 December, the force, which operated under NATO leadership, comprised 38,500 troops from all NATO countries, as well as from non-NATO countries.

KFOR continued to uncover and confiscate significant amounts of weapons, ammunition and explosives, ranging from rifles to rockets and mines, during search operations. As at December, the total number of weapons destroyed under the weapons destruction programme stood at 10,132. The programme, temporarily suspended to allow

repairs to be made to the destruction facility, was scheduled to resume in January 2002. KFOR continued to support UNMIK in the restoration of law and order. From mid-April, KFOR had to deal with public disorder in Mitrovica and northern Kosovo, in reaction to the implementation of the UNMIK excise and sales tax collection policy (see p. 363). On 18 May, it carried out jointly with UNMIK a search operation in Pec that resulted in the arrest of 26 persons and the confiscation of large amounts of weapons, documents and computer hardware and software. KFOR forces continued to provide appropriate control of Kosovo's internal boundaries, external borders and recognized crossing points. In reinforcing its presence along the border with FYROM, KFOR interdicted the movement of personnel and weapons into and out of the northern part of FYROM and between Albania and Kosovo. At the end of August, KFOR established mobile weapons collection teams close to the border with FYROM to collect weapons and screen suspected members of the National Liberation Army.

On 17 August, the KFOR Commander signed temporary operating procedures with FRY setting conditions for future cooperation and coordination on ending the conflict in the GSZ, following the North Atlantic Council's decision on the relaxation of the Zone (see p. 347). KFOR also supported UNMIK and OSCE during the Kosovo-wide elections on 17 November.

KFOR continued to provide regular assistance on request to international organizations and non-governmental organizations (NGOs) throughout Kosovo and to provide framework security in support of UNMIK police operations targeting organized crime, prostitution and smuggling. In addition, it continued to support safe conditions for minority returns. On 9 May, the KFOR Commander promulgated a directive, “KFOR and KPC (Kosovo Protection Corps)—Partners for the Future”, setting out guidelines for the future relationship between them.

#### Sanctions against FRY

On 14 June [S/2001/592], FRY requested the Security Council to terminate the prohibitions relating to the shipment of arms imposed against it by resolution 1160(1998) [YUN 1998, p. 369]. It said that, since all the reasons that had led to the imposition of the prohibitions specified in paragraph 8 of that resolution no longer existed, FRY expected a favourable review of its request.

On 6 September [S/2001/849], the Secretary-General informed the Council that, since the adoption of resolution 1160(1998), the political and security situation in the region had changed

considerably. The new FRY authorities were cooperating constructively with the international community in efforts to bring peace and stability to the Balkan region. The Council, in statement S/PRST/2001/8 (see p. 350), had welcomed the close contact between FRY and UNMIK and KFOR and stressed the importance of dialogue between Kosovo political leaders and FRY. Accordingly, he believed that FRY had complied with the provisions of resolution 1160(1998); the Council might therefore wish to reconsider the prohibitions in paragraph 8 of that resolution.

#### SECURITY COUNCIL ACTION

On 10 September [meeting 4366], the Security Council unanimously adopted **resolution 1367 (2001)**, based on a draft [S/2001/854] prepared in consultations among Council members.

*The Security Council,*

*Recalling* its resolutions 1160(1998) of 31 March 1998, 1199(1998) of 23 September 1998 and 1203(1998) of 24 October 1998, and reaffirming, in particular, its resolutions 1244(1999) of 10 June 1999 and 1345(2001) of 21 March 2001,

*Noting with satisfaction* that the conditions listed in paragraph 16 (a) to (e) of its resolution 1160(1998) have been satisfied,

*Noting*, in that respect, the letter of the Secretary-General dated 6 September 2001,

*Noting further* the difficult security situation along Kosovo's administrative boundary and parts of the border of the Federal Republic of Yugoslavia and emphasizing the continuing authority of the Secretary-General's Special Representative as head of the international civil presence and of the Commander of the international security presence (KFOR) to restrict and strictly control the flow of arms into, within and out of Kosovo, pursuant to resolution 1244(1999),

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

1. *Decides* to terminate the prohibitions established by paragraph 8 of resolution 1160(1998);
2. *Decides further* to dissolve the Committee established by paragraph 9 of resolution 1160(1998).

**Sanctions Committee final report.** In October, the Chairman of the Security Council Committee established pursuant to resolution 1160(1998) (Sanctions Committee) submitted a final report covering the Committee's activities from 1 January to 10 September 2001 [S/2001/931].

According to the report, the Committee had approved Bulgaria's request to export 2,000 tons per month of industrial explosives to several mining companies in FRY. Switzerland brought to the Committee's attention the case of an arms shipment to FRY reported in the Chinese press, stating that criminal proceedings had been conducted by the Geneva authorities and two persons were arrested on 13 July 2000 and charged. The Committee approved under the no-objection

procedure a request by the United Kingdom to transfer demining equipment to humanitarian demining organizations working for UNMIK.

The Committee drew attention to the Council's mission to Kosovo in June (see p. 354) and its request that KFOR provide detailed information on weapons seized to enable the Committee to pursue any possible violations. The Secretary-General informed NATO's Secretary-General of that request but no such information had been provided to the Committee by 10 September.

The Committee received no reports on actual violations or alleged violations of sanctions measures from States and relevant regional and international organizations. It sought and received additional information on the case of violations under investigation by the Geneva authorities. Reports on the activities of KFOR and the Stabilization Force in Bosnia and Herzegovina contained no information on violations.

## Other issues

### Arrest of Slobodan Milosevic

The Secretary-General, in a press statement on 2 April [SG/SM/7761], said that the arrest of Slobodan Milosevic, former FRY President, was an important step in the healing process in the Balkans and commended the FRY authorities for that decisive action. The Secretary-General noted that the FRY authorities had an obligation to cooperate with the International Tribunal for the Former Yugoslavia (ICTY) and urged them immediately to discuss with the Tribunal how that cooperation could be extended.

In a press release issued on 28 June [SG/SM/7870], the Secretary-General welcomed the decision of the FRY authorities to transfer Mr. Milosevic to ICTY in The Hague, saying it was a victory for accountability over impunity. He hoped that that day would mark a true break with the past and the beginning of a new spirit of co-existence throughout the former Yugoslavia. (For further details, see PART FOUR, Chapter II.)

### Relations with Montenegro

The European Council, at its meeting in Stockholm, Sweden (23-24 March) [S/2001/305], among its concluding statements, called on Montenegro and FRY/Serbian authorities to agree on new constitutional arrangements within the federal framework through an open and democratic process in order to contribute to stability in the region.

The EU, in a 23 April statement [S/2001/415], welcomed the orderly conduct of the 22 April parliamentary elections in Montenegro, FRY, and

looked forward to the formation of a Government that would continue the path of democratic reform. The EU urged the new Montenegrin Government to resume dialogue with Belgrade without delay towards an agreed definition of federal relations. The successful outcome of that dialogue, which should exclude any unilateral action, would enable the EU to continue its political, economic and financial support to Montenegro.

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### Former Yugoslav Republic of Macedonia

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The situation along the border of the FRY province of Kosovo with the former Yugoslav Republic of Macedonia (FYROM), which had been brought to the Security Council's attention in 2000 [YUN 2000, p. 384], escalated in 2001 as armed Albanian insurgent groups launched attacks on FYROM forces across the border. In the FYROM capital of Skopje, on 23 February [A/56/60-S/2001/234], FRY President Vojislav Kostunica and FYROM President Boris Trajkovski signed the "Agreement for the delineation of the borderline between the Republic of Macedonia and the Federal Republic of Yugoslavia" demarcating the border between their two countries.

The EU, in a 28 February statement of its Presidency [S/2001/203], urged all parties to respect the border demarcation agreement and reiterated its strong attachment to the principle of inviolability of borders, including FYROM's territorial integrity. It also expressed concern about the recent escalation of violence in the border region between FRY/Kosovo and FYROM, particularly in the village of Tanusevci.

The Tanusevci incident, involving the landmine and sniper killing of three FYROM soldiers, was reported to the Council by FYROM in a 4 March letter [S/2001/191], calling for an urgent Council meeting and KFOR action to clear the Kosovo border area near Tanusevci. FYROM's President, at a meeting that included the Prime Minister, the Speaker of the Parliament, the ambassadors of EU and NATO countries and OSCE representatives, also proposed that NATO and the EU support his request for immediate KFOR action, as well as public support for FYROM's self-defence and preservation of its territorial integrity and sovereignty. It was the intention of FYROM's Foreign Minister to present to the Council meeting an action plan for the cessation of violence and lasting stabilization on the Kosovo sec-

tion of the border with FRY and to prevent a spillover of violence into FYROM.

#### Action plan

FYROM's Minister for Foreign Affairs, in briefing the Security Council on 7 March [meeting 4289], said that in the past few weeks, his country had been confronted with a serious problem caused by unidentified extremist militant groups stationed on its northern border, which had occupied the village of Tanusevci from where they had been continuously provoking armed incidents; on 4 March, three FYROM soldiers were killed.

The extremists had not put forth their demands or requests, and were holding the local Albanian population hostage, and, as the border belt with Kosovo was inhabited mostly by ethnic Albanians, they were also affecting the inter-ethnic relations in FYROM. Tanusevci was a serious warning that the FYROM border area with Kosovo could be used constantly for provoking those kinds of incidents, thus threatening the peace, security and stability of FYROM and the entire region.

FYROM was undertaking numerous activities to find a peaceful solution in close cooperation with the international community, and had undertaken a measured security response to the provocations. KFOR activities in the initial stage were not as effective as necessary, thus causing additional problems for the operations of FYROM's security forces. However, those cooperation difficulties had been overcome.

To resolve the situation, the Government adopted an action plan to prevent a spillover of the conflict from both sides of the border. Specifically, the plan proposed full observance of Council resolution 1244(1999) [YUN 1999, p. 353]; the immediate establishment of a ground safety area along the entire Kosovo side of the FYROM-Yugoslav border by KFOR and willing countries; the undertaking of urgent actions by KFOR for strict compliance of the provisions related to the movement of military and paramilitary formations, arms shipments and a ban on the movement and gathering of larger groups in the ground safety zone; strengthening the coordination of activities between FYROM's armed forces and KFOR, disarming paramilitary extremist groups and bringing them to justice; and creating conditions for the return of the inhabitants of Tanusevci to their homes. The action plan also proposed that the FYROM Government strengthen the existing measures along the border and undertake additional ones to prevent a spillover of the conflict, especially by reinforcing police control with new border police units.

The seriousness of the problem and the timing of its occurrence demanded prompt preventive action, the Foreign Minister said. The Council should be aware that the incident in Tanusevci should be seen in the broader context of the Balkan region and its transformation into a peaceful, stable, democratic and prosperous European region. He called on the Council to support the measures proposed so as to reaffirm the preconditions for a peaceful and democratic development of the Balkans, with inviolable, stable and transparent borders.

#### SECURITY COUNCIL ACTION

On 7 March [meeting 4290], following consultations among Security Council members, the President made statement **S/PRST/2001/7** on behalf of the Council:

The Security Council welcomes the participation of the Foreign Minister of the former Yugoslav Republic of Macedonia in its meeting on 7 March 2001 and carefully listened to him.

The Council strongly condemns recent violence by ethnic Albanian armed extremists in the north of the former Yugoslav Republic of Macedonia, in particular the killing of three soldiers of the armed forces of the former Yugoslav Republic of Macedonia in the area of Tanusevci. The Council regrets that the violence continues and calls for an immediate end to it.

The Council expresses its deep concern at those events, which constitute a threat to the stability and security not only of the former Yugoslav Republic of Macedonia but also of the entire region. It calls on all political leaders in the former Yugoslav Republic of Macedonia and Kosovo, Federal Republic of Yugoslavia, who are in a position to do so to isolate the forces behind the violent incidents and to shoulder their responsibility for peace and stability in the region.

The Council underlines the responsibility of the Government of the former Yugoslav Republic of Macedonia for the rule of law in its territory. It supports actions by the Government of the former Yugoslav Republic of Macedonia to address the violence with an appropriate level of restraint and to preserve the political stability of the country and foster harmony between all ethnic components of the population.

The Council recalls the need to respect the sovereignty and territorial integrity of the former Yugoslav Republic of Macedonia. In this context it emphasizes that the border demarcation agreement, signed in Skopje on 23 February 2001, and ratified by the Parliament of the former Yugoslav Republic of Macedonia on 1 March 2001, must be respected by all.

The Council welcomes the steps taken by the international security presence (KFOR) to control the border between Kosovo, Federal Republic of Yugoslavia, and the former Yugoslav Republic of Macedonia in accordance with the military-technical agreement signed in Kumanovo on 9 June 1999. It welcomes the ongoing dialogue between the Govern-

ment of the former Yugoslav Republic of Macedonia and KFOR on practical steps to address the immediate security situation and to prevent crossing of the border by extremists as well as possible violations of resolution 1160(1998) of 31 March 1998. It welcomes the efforts of all relevant international organizations in cooperation with the Government of the former Yugoslav Republic of Macedonia to promote stability and to create conditions for a return of the inhabitants to their homes.

The Council will continue to follow the developments on the ground closely, and requests to be briefed regularly on the outcome of the efforts referred to above.

**EU communications.** On 8 March [S/2001/211], Sweden transmitted to the Secretary-General a declaration by the EU Presidency condemning the ethnic Albanian extremist attacks on 4 March near Tanusevci and calling for such acts to stop immediately. It also called on all FYROM political leaders to isolate the forces behind such attacks and shoulder their responsibility for peace and stability in the region. The EU reiterated its strong attachment to the principle of the inviolability of borders, including FYROM's territorial integrity and sovereignty.

In a further statement issued on 9 March [S/2001/217], the EU said that its Political and Security Committee had discussed FYROM's action plan for ending the violence and ensuring lasting stability on its border with FRY, and supported its policy of restraint, while preserving the country's political stability and fostering harmony and cooperation among all ethnic groups. It called on all neighbouring countries and international organizations active in the area to examine what support they could provide. The EU underlined the role played by KFOR, the EU and its monitoring mission, as well as the OSCE Spillover Monitor Mission to Skopje, especially in monitoring along FYROM's border.

**NATO action.** On 8 March [S/2001/214], the NATO Secretary-General informed the UN Secretary-General that, following a fact-finding mission by his Personal Representative, as well as visits of a NATO political-military team to Skopje, the North Atlantic Council (NAC) had, on the same day, taken a number of decisions concerning the ground safety zone in southern Serbia (see p. 347) and FYROM. Concerning FYROM, NAC welcomed the recent measures taken by the KFOR Commander, but charged its military authorities with identifying additional measures to enhance security along the FYROM border with Kosovo, FRY. NAC was also considering the findings of the Advisory Mission on Border Security, which recently returned from Skopje, as well as further bilateral and multilateral assistance to the Government. It promised to further study ways of

showing political support to the FYROM Government, in the light of the recommendations by NATO's Deputy Assistant Secretary-General for Political Affairs, who recently visited Skopje. NAC would also meet with FYROM's Foreign Minister on 9 March, at his request, during which it hoped to address FYROM's concerns and to encourage continuation of its measured response to the situation at its northern border.

**Security Council consideration.** The Security Council, in statement **S/PRST/2001/8** of 16 March on Kosovo (see p. 350), reiterated its strong support for FYROM, as expressed by the Council President in his statement on 7 March (see p. 369). It condemned the continuing extremist violence and supported FYROM's efforts to cooperate with NATO and other international organizations to end that violence.

**Communications.** On 20 March [S/2001/251], FYROM transmitted to the Secretary-General the conclusions of its Assembly following discussion of the current security situation from 16 to 18 March. The Assembly, noting the deteriorating security situation, said that FYROM's authorities, its Assembly, Government and defence-security structures would undertake adequate measures to secure peace and stability in the country and the security of all its citizens, as well as urgent measures to impede further escalation of the situation. It appealed to international organizations to continue their unconditional support for FYROM in preserving its stability, territorial integrity and sovereignty, and to provide that assistance without the presence of military forces from neighbouring countries on its territory. It called on all political parties to refrain from any destructive scenarios and to direct their activities to the service of the State and to peace, stability and democracy. It condemned the statements made in support of violence. The Assembly also asked for KFOR's greater presence and strong engagement along the whole stretch of the northern border and indicated its intention immediately to intensify the broad political dialogue through its institutions with all relevant political bodies in the country to facilitate the settlement of all problems.

Albania's Foreign Minister, in a 20 March statement [S/2001/249] issued in his capacity as Chairman-in-Office of the South-East European Cooperation Process, expressed concern about developments in FYROM and reaffirmed his full support for the safeguard of that country's sovereignty and territorial integrity. He appreciated the self-restraint of the FYROM Government and the constructive attitude of all Albanian political parties in dealing with the crisis, and encouraged them to advance ethnic coexistence through in-

stitutional solution of the existing problems. The Chairman-in-Office demanded the immediate cessation of the armed actions, stating that any legitimate demand of the Albanian community should be resolved peacefully and democratically.

#### SECURITY COUNCIL ACTION

On 21 March [meeting 4301], the Security Council unanimously adopted **resolution 1345(2001)**, based on a draft [S/2001/256] prepared in consultations among Council members.

#### *The Security Council,*

*Recalling* its resolutions 1160(1998) of 31 March 1998, 1199(1998) of 23 September 1998, 1203(1998) of 24 October 1998, 1239(1999) of 14 May 1999 and 1244 (1999) of 10 June 1999 and the statements by its President of 19 December 2000 (S/PRST/2000/40), 7 March 2001 (S/PRST/2001/7) and 16 March 2001 (S/PRST/2001/8),

*Welcoming* the steps taken by the Government of the former Yugoslav Republic of Macedonia to consolidate a multi-ethnic society within its borders, and expressing its full support for the further development of this process,

*Also welcoming* the plan put forward by the Government of the Federal Republic of Yugoslavia to resolve peacefully the crisis in certain municipalities in southern Serbia, and expressing encouragement for the implementation of political and economic reforms designed to reintegrate the ethnic Albanian population as full members of civil society,

*Welcoming* international efforts, including those of the United Nations Interim Administration Mission in Kosovo, the international security presence in Kosovo (KFOR), the European Union, the North Atlantic Treaty Organization, and the Organization for Security and Cooperation in Europe in cooperation with the Governments of the former Yugoslav Republic of Macedonia, the Federal Republic of Yugoslavia and other States, to prevent the escalation of ethnic tensions in the area,

*Further welcoming* the contribution of the European Union to a peaceful solution to the problems in certain municipalities in southern Serbia, its decision substantially to increase the presence of the European Union Monitoring Mission there on the basis of its existing mandate, and its wider contribution to the region,

*Welcoming* the cooperation between the North Atlantic Treaty Organization and the authorities of the former Yugoslav Republic of Macedonia and the Federal Republic of Yugoslavia in addressing the security problems in parts of the former Yugoslav Republic of Macedonia and certain municipalities in southern Serbia,

1. *Strongly condemns* extremist violence, including terrorist activities, in certain parts of the former Yugoslav Republic of Macedonia and certain municipalities in southern Serbia, Federal Republic of Yugoslavia, and notes that such violence has support from ethnic Albanian extremists outside these areas and constitutes a threat to the security and stability of the wider region;

2. *Reaffirms* its commitment to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia, the former Yugoslav Republic of Macedonia and the other States of the region, as set out in the Helsinki Final Act;

3. *Reiterates* its strong support for the full implementation of resolution 1244(1999);

4. *Demands* that all those who are currently engaged in armed action against the authorities of those States immediately cease all such actions, lay down their weapons and return to their homes;

5. *Supports* the Government of the former Yugoslav Republic of Macedonia and the Federal Republic of Yugoslavia in their efforts to end the violence in a manner consistent with the rule of law;

6. *Underlines* the need for all differences to be resolved by dialogue among all legitimate parties;

7. *Further underlines* the requirement for all parties to act with restraint and full respect for international humanitarian law and human rights;

8. *Welcomes* the efforts of the Government of Albania to promote peace in the region and isolate extremists working against peace, and encourages it and all States to take all possible concrete steps to prevent support for extremists, taking also into account resolution 1160(1998);

9. *Calls upon* Kosovo Albanian political leaders, and leaders of the ethnic Albanian communities in the former Yugoslav Republic of Macedonia, southern Serbia and elsewhere, publicly to condemn violence and ethnic intolerance and to use their influence to secure peace, and calls upon all those who have contact with the extremist armed groups to make clear that they have no support from any quarter in the international community;

10. *Welcomes* the efforts of KFOR to implement resolution 1244(1999) in cooperation with the authorities of the former Yugoslav Republic of Macedonia and the Federal Republic of Yugoslavia, and calls upon KFOR to continue further to strengthen its efforts to prevent unauthorized movement and illegal arms shipments across borders and boundaries in the region, to confiscate weapons within Kosovo, Federal Republic of Yugoslavia, and to continue to keep the Council informed in accordance with resolution 1160(1998);

11. *Calls upon* States and appropriate international organizations to consider how they can best give practical help to efforts in the region further to strengthen democratic, multi-ethnic societies in the interests of all and to assist the return of displaced persons in the areas in question;

12. *Calls upon* all States in the region to respect each other's territorial integrity and to cooperate on measures that foster stability and promote regional political and economic cooperation in accordance with the Charter of the United Nations, the basic principles of the Organization for Security and Cooperation in Europe and the Stability Pact for South-East Europe;

13. *Decides* to monitor developments on the ground carefully and remain actively seized of the matter.

**EU communications.** The EU, in a 3 May statement [S/2001/442], condemned the renewed acts of violence by ethnic Albanian extremists in FYROM's northern region, including the killing

of two soldiers, the occupation of several villages and the taking of hostages. It called on the extremists to stop the violence, release the hostages and withdraw immediately. The EU supported the inter-ethnic dialogue recently launched by FYROM authorities and urged ethnic Albanian leaders in Kosovo, FRY, and Albania's political leaders to condemn unambiguously those acts of terrorism and to use their influence to prevent violence.

On 11 May [S/2001/498], the EU welcomed the agreement on a broad coalition Government in FYROM, expressed hope that the new Government would serve as a solid platform for handling the hard political decisions that lay ahead and assured it of EU support in that difficult task.

In a further statement issued on 26 July [S/2001/751], the EU condemned the violation of the ceasefire in FYROM and appealed for its restoration. It enjoined the parties to relaunch negotiations and to show a spirit of compromise. It reiterated its support for a new mission to Skopje by the EU High Representative (the EU President), who would be accompanied by the NATO Secretary-General and the OSCE Chairman-in-Office.

### Framework Agreement

On 13 August, President Boris Trajkovski of FYROM and the leaders of the country's four main political parties signed the "Framework Agreement in the former Yugoslav Republic of Macedonia".

The Agreement laid out the principles basic to a modern democratic FYROM: the rejection of the use of violence to pursue political aims; the preservation of the State's sovereignty and territorial integrity and the multi-ethnic character of its society; the evolution of its Constitution so as to meet citizens' needs and conform with international standards; and the development of local self-government.

The Agreement provided for: the cessation of hostilities, an unconditional ceasefire, the voluntary disarmament and disbandment of ethnic Albanian armed groups, and the parties' acceptance of those conditions under which NATO would operate in the country; the development of a decentralized Government; non-discrimination and equal treatment for all, to be embodied in laws, particularly those regulating employment in public administration; special parliamentary procedures for the adoption of legislation; the Macedonian language as the country's official language and in international relations, with specific rules on the use of other native languages, in addition to Macedonian, in education and in units of local self-government; rules regarding the expression of identity in

terms of State and local emblems; and timetables for the implementation of the constitutional amendments (within 45 days of the Agreement's signature), the legislative modifications and confidence-building measures, contained in annexes A, B and C, respectively, to the Agreement.

On the date of the Agreement's signature, the EU issued a statement [S/2001/802] welcoming the event as representing a crucial stage in FYROM's ongoing political process. It urged all parties to abide by the Agreement and to take all the measures for its speedy implementation. It reiterated its call for the scrupulous observance of the ceasefire and expressed readiness to convene a donors' conference soon after the Agreement's constitutional and legislative provisions had been adopted by the Parliament. It indicated that a reconstruction and rehabilitation programme to help in implementing the reforms was in preparation.

#### SECURITY COUNCIL ACTION

On 13 August [meeting 4356], following consultations among Security Council members, the President made statement **S/PRST/2001/20** on behalf of the Council:

The Security Council welcomes the signing of the Framework Agreement in the former Yugoslav Republic of Macedonia by President Trajkovski and the leaders of four political parties on 13 August 2001. The Council calls for the full and immediate implementation of the Agreement, which promotes the peaceful and harmonious development of civil society while respecting the ethnic identity and the interests of all Macedonian citizens.

The Council calls for the full implementation of its resolution 1345(2001) and reaffirms the sovereignty and territorial integrity of the former Yugoslav Republic of Macedonia.

The Council calls again on all those concerned, including on leaders of ethnic Albanian communities in the region, publicly to condemn violence and ethnic intolerance and to use their influence to secure peace. It reiterates its call to all who have contact with extremist groups to make clear to them that they have no support from any quarter in the international community. The Council condemns the ongoing violence by extremists and calls on all parties to respect the ceasefire. The Council rejects any attempt to use violence including the use of landmines to undermine the Framework Agreement, which has been negotiated by the democratically elected political leadership of the former Yugoslav Republic of Macedonia.

The Council supports the actions of the President and Government of the former Yugoslav Republic of Macedonia aimed at resolving the crisis, and assuring a stable and democratic future for all of the citizens of the former Yugoslav Republic of Macedonia, including through continued dialogue with the full representation of all legitimate political parties to strengthen democracy and preserve the multi-ethnic

character of Macedonian society and the stability of the country.

The Council welcomes the efforts of the European Union, the Organization for Security and Co-operation in Europe and the North Atlantic Treaty Organization in support of the Framework Agreement. It also calls on the international community to consider how best to assist the Government of the former Yugoslav Republic of Macedonia in facilitating its full implementation.

The Council will continue to follow closely developments on the ground.

During the Council's consideration on 28 August [meeting 4359] of the situation in the FRY province of Kosovo, the FYROM representative said that the signing of the Framework Agreement was a significant step towards a peaceful outcome of the political and security crisis in his country and noted that the Secretary-General had underlined UN readiness to assist in implementing it.

Drawing the Council's attention to the security dimension of the Agreement related to developments in Kosovo, he referred to recent UNMIK and KFOR activities along the border with Kosovo as contributing to a more efficient control of illegal border traffic and infiltration into FYROM. He stressed that, for the Agreement's security component to be effective, a complete cessation of the activities of ethnic Albanian insurgency instigators and supporters from Kosovo, including members of the Kosovo Protection Corps (KPC), had to be ensured. He reiterated his country's expectation that UNMIK and KFOR would put a stop to the infiltration and to all mobilization activities of former KPC fighters, including their joining the so-called National Liberation Army operating in FYROM. That was of particular importance for the success of the ongoing NATO operation in FYROM to disarm ethnic Albanian groups and to ensure their complete, voluntary disbandment.

#### Further developments

On 21 September [S/2001/897], FYROM transmitted to the Security Council the separate letters it had addressed to NATO and OSCE. By the former, FYROM thanked NATO for its response to FYROM's efforts to find a way out of its current crisis provoked by Albanian terrorists and illegal armed groups. Their disarmament and elimination were the foremost steps in the normalization of the country. FYROM would host an OSCE and EU monitoring mission and would support a light presence of NATO in the country upon the conclusion of its Operation Essential Harvest, to provide additional security for the mission. The mo-

dalities for such a security presence could be specified in a memorandum of understanding.

In its letter to OSCE, FYROM indicated its decision of 11 September to enhance the OSCE Spillover Monitor Mission to Skopje by increasing the number of monitors so as to assist the Government with the Framework Agreement's implementation, in particular with its confidence-building measures. As a priority, FYROM requested a rapid deployment of OSCE monitors and police advisers in sufficient numbers to provide a visible presence throughout the sensitive areas. It invited OSCE also to assist in other areas, especially the programmes of police training, media and inter-ethnic relations, as set out in the Agreement. It would further welcome OSCE involvement, through its Office for Democratic Institutions and Human Rights, in the conduct of the forthcoming censuses and elections in FYROM.

#### SECURITY COUNCIL ACTION

On 26 September [meeting 4381], the Security Council unanimously adopted **resolution 1371 (2001)**, based on a draft [S/2001/902] prepared in consultations among Council members.

##### *The Security Council,*

*Recalling* its resolutions 1244(1999) of 10 June 1999 and 1345(2001) of 21 March 2001 and the statements by its President of 7 March 2001 (S/PRST/2001/7), 16 March 2001 (S/PRST/2001/8) and 13 August 2001 (S/PRST/2001/20),

*Welcoming* the steps taken by the Government of the former Yugoslav Republic of Macedonia to consolidate a multi-ethnic society within its borders, and expressing its full support for the further development of this process,

*Welcoming* in this regard the signing of the Framework Agreement at Skopje on 13 August 2001 by the President of the former Yugoslav Republic of Macedonia and the leaders of four political parties,

*Welcoming* international efforts, including those of the Organization for Security and Cooperation in Europe, the European Union and the North Atlantic Treaty Organization, in cooperation with the Government of the former Yugoslav Republic of Macedonia and other States, to prevent the escalation of ethnic tensions in the area and to facilitate the full implementation of the Framework Agreement, thus contributing to peace and stability in the region,

*Welcoming* the letter from the Permanent Representative of the former Yugoslav Republic of Macedonia to the President of the Security Council of 21 September 2001,

1. *Reaffirms* its commitment to the sovereignty and territorial integrity of the former Yugoslav Republic of Macedonia and other States of the region;

2. *Calls* for the full implementation of resolution 1345(2001);

3. *Supports* the full and timely implementation of the Framework Agreement, rejects the use of violence in pursuit of political aims and stresses that only peaceful political solutions can assure a stable and demo-

cratic future for the former Yugoslav Republic of Macedonia;

4. *Welcomes* the efforts of the European Union and the Organization for Security and Cooperation in Europe to contribute to the implementation of the Framework Agreement, in particular through the presence of international observers;

5. *Endorses* the efforts of Member States and relevant international organizations to support the implementation of the Framework Agreement and strongly supports in that regard the establishment of a multinational security presence in the former Yugoslav Republic of Macedonia at the request of its Government to contribute towards the security of the observers, and invites the Government of the former Yugoslav Republic of Macedonia to keep the Council informed;

6. *Demands* that all concerned ensure the safety of international personnel in the former Yugoslav Republic of Macedonia;

7. *Welcomes* the efforts of the United Nations Interim Administration Mission in Kosovo and the international security presence to implement fully resolution 1244(1999), in particular by further strengthening its efforts to prevent unauthorized movement and illegal arms shipments across borders and boundaries, to confiscate illegal weapons within Kosovo, Federal Republic of Yugoslavia, and to keep the Council informed;

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

**Communications.** In a 9 October statement [S/2001/978], the EU expressed concern about the insufficient progress made by FYROM in implementing the Framework Agreement. The EU expected all democratic forces in the country to continue to engage fully and constructively in the parliamentary process and appealed to the Parliament to approve all of the Agreement's constitutional and legislative provisions. It was waiting for the Government to find an effective solution to the problem of amnesty for the rebels and for the return of the security forces to be coordinated with the international community's representatives. The EU stressed that its assistance in the reforms being carried out by the FYROM authorities was conditional upon the satisfactory conclusion of the parliamentary process of constitutional revision. In that regard, it noted that the conditions for the convening of a donors' conference had not yet been fulfilled.

The EU appreciated UN support for a multinational security presence in FYROM and welcomed NATO's decision to authorize the deployment of the Operation Amber Fox force to provide that presence and contribute to the security of the international monitors deployed by OSCE and the EU, whose number would be increased.

On 16 November [A/56/640-S/2001/1094], following adoption of the amendments to the FYROM Constitution, FYROM's President issued a statement welcoming those changes, saying the country had a great deal of work before it: immediate

re-establishment of the State's sovereignty and rule of law throughout the country; the return of displaced persons to their homes before the winter; the reconstruction of their homes and repair of the infrastructure; the return of children to school; and initiating the process of healing and of overcoming differences. The President called on the international community to fulfil its commitments, including support for and involvement in the return of the security forces to the crisis regions. He also called for the early organization of the donors' conference. He welcomed the United States characterization of acts of armed provocation by Albanian groups in FYROM as acts of terrorism and called on all who considered violence as a solution to the problems to lay down their arms and to reintegrate into the community.

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## Georgia

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During 2001, the Special Representative of the Secretary-General and Head of the United Nations Observer Mission in Georgia (UNOMIG), with the assistance of the Russian Federation in its capacity as facilitator, the Group of Friends of the Secretary-General (France, Germany, Russian Federation, United Kingdom, United States) and OSCE, continued efforts to engage the Georgian and Abkhaz parties in negotiations towards a comprehensive settlement of their conflict, including a definition of the political status of Abkhazia as a sovereign entity within the State of Georgia. The long-awaited paper on the Basic Principles for the Distribution of Competences between Tbilisi (Georgia's Government) and Sukhumi (the Abkhaz leadership), intended to serve as the basis for substantial negotiations, was finalized in mid-December and transmitted to the parties. Adamant in its rejection of any suggestion that Abkhazia was within the State of Georgia, the Abkhaz party was not prepared to receive the paper. Consequently, the peace process remained stalled.

The successful holding of the third meeting on confidence-building measures between Georgia and Abkhazia in Yalta, Ukraine, in March yielded the Yalta Declaration and a Programme of Action on Confidence-building Measures. While those documents held promise of helping to narrow down the parties' divergent positions, by year's end, no significant implementation of the commitments and proposals they contained had been made. Furthermore, neither the parties' commitments on the voluntary return of

refugees and displaced persons nor the recommendations of the 2000 joint assessment mission to the Gali district had been fulfilled. As noted by the Secretary-General, the parties neglected active work within the mechanisms of the UN-led Geneva peace process [YUN 1997, p. 365], in particular the Coordinating Council, thus threatening to defeat the purpose of that negotiating forum.

The month of October was marked by the shooting down of a UN helicopter on its way to resume patrolling in the upper Kodori Valley, as well as by large-scale hostilities in the conflict zone. Nonetheless, the Special Representative and UNOMIG, with the support of the Collective Peacekeeping Force of the Commonwealth of Independent States (CIS peacekeeping force), remained steadfast in the discharge of their mandates and in their determination to de-escalate hostilities and stabilize the situation in that zone. The Security Council strongly supported those efforts and, recognizing the contributions of UNOMIG to the peace process in Georgia, extended its mandate twice during the year, the second time until 31 January 2002.

### 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 and verify 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 resolution 937(1994) [ibid., p. 584]. Monitoring involved daily ground and regular helicopter patrols. UNOMIG operated in close collaboration with the CIS peacekeeping force that had been in the zone of conflict, at the request of the parties, since 1994 [ibid., p. 583]. The Council extended UNOMIG's mandate twice during the year, the first time until 31 July 2001 and the second until 31 January 2002.

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 both the Gali and Zugdidi sectors. A team base in the Kodori Valley was manned by observers operating from Sukhumi.

UNOMIG was headed by the Secretary-General's Special Representative for Georgia, Dieter Boden (Germany), who was assisted by the Chief Military Observer, Major General Anis Ahmed Bajwa (Pakistan). As at 31 December 2001, it had a strength of 106 military observers.

### Activities

**Report of Secretary-General (January).** In his January 2001 report [S/2001/59] describing the situation in Abkhazia, Georgia, and UNOMIG operations there from October to the end of 2000, summarized in 2000 [YUN 2000, p. 397], the Secretary-General, observing that the continued lack of progress on the fundamental issue of the future political status of Abkhazia within the State of Georgia could jeopardize the whole peace process, called on both sides to muster enough political will to overcome the impasse. He appealed in particular to the Abkhaz side to demonstrate more flexibility and willingness to address the core political questions of the conflict and called for the early finalization of the draft document on basic principles for the distribution of competences between Tbilisi and Sukhumi [ibid., p. 391] and for its presentation to the parties by the Special Representative and the Group of Friends of the Secretary-General, whose consensus position was deemed essential. The Secretary-General called on the two sides to enable the dignified, safe and secure return of people to the Gali district, and urged them to implement the recommendations of the 2000 joint assessment mission to that district [ibid., p. 397]. Together with the Resident Coordinator and Humanitarian Coordinator, UNOMIG would explore possibilities for increasing humanitarian aid to the population, including the allocation of a sum in the UNOMIG budget for limited ad hoc assistance.

Stressing that both sides bore primary responsibility for the security of UNOMIG's military and civilian personnel, the Secretary-General appealed to the Government of Georgia to bring to justice the perpetrators of the hostage-taking incidents of October 1999 [YUN 1999, p. 382] and of June [YUN 2000, p. 392] and December 2000 [ibid., p. 397]. He said the Government also needed to create the necessary security conditions in the upper Kodori Valley to allow UNOMIG to carry out its mandate fully in that area. Convinced of UNOMIG's crucial role in stabilizing the zone of conflict and in furthering the negotiation process, he recommended that the UNOMIG mandate be extended for a further six-month period, until 31 July.

**Communication.** On 29 January [S/2001/89], Georgia informed the Security Council about recent violations by the Abkhaz separatists of the 1994 Agreement on a Ceasefire and Separation of Forces [YUN 1994, p. 583]. The first violation took place on 25 January, when unidentified gunmen opened fire on a civilian gasoline transportation truck in the village of Chuburkkindgi, killing one civilian and seriously injuring two others,

one of whom was kidnapped by the gunmen, who retreated with the truck to Abkhaz-controlled territory. The second violation took place on 26 January, when an anti-tank rocket was launched from Abkhaz-controlled territory on the left bank of the Inguri River towards Georgian-controlled territory, hitting a moving car near the CIS peacekeepers' checkpoint No. 301; the car exploded, seriously injuring four civilians.

### SECURITY COUNCIL ACTION (January)

On 31 January [meeting 4269], the Security Council unanimously adopted **resolution 1339(2001)**, based on a draft [S/2001/93] prepared in consultations among Council members.

#### *The Security Council,*

*Recalling* all its relevant resolutions, in particular resolution 1311(2000) of 28 July 2000, and the statement of its President of 14 November 2000 (S/PRST/2000/32),

*Having considered* the report of the Secretary-General of 18 January 2001,

*Recalling* the conclusions of the Lisbon and Istanbul summits of the Organization for Security and Cooperation in Europe regarding the situation in Abkhazia, Georgia,

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

*Deeply concerned* that, although currently mostly calm, the general situation in the conflict zone remains very volatile,

*Noting* the holding of the twelfth session of the Coordinating Council of the Georgian and Abkhaz sides on 23 January 2001,

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

*Welcoming* the important contributions that the United Nations Observer Mission in Georgia and the collective peacekeeping force of the Commonwealth of Independent States continue to make in stabilizing the situation in the conflict zone, noting that the working relationship between the Mission and the collective peacekeeping force has remained very close, and stressing the importance of close cooperation between them in the performance of their respective mandates,

1. *Welcomes* the report of the Secretary-General of 18 January 2001;

2. *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. *Strongly supports*, in particular, the intention of the Special Representative to submit, in the near future, the draft paper containing specific proposals to the parties on the question of the distribution of con-

stitutional competences between Tbilisi and Sukhumi as a basis for meaningful negotiations;

4. *Stresses* the need to accelerate work on the draft protocol on the return of the refugees to the Gali region and measures for economic rehabilitation, as well as on the draft agreement on peace and guarantees for the prevention and for the non-resumption of hostilities;

5. *Calls upon* the parties, in particular the Abkhaz side, to undertake immediate efforts to move beyond the impasse and to engage in negotiations on the core political questions of the conflict and all other outstanding issues in the United Nations-led peace process;

6. *Welcomes* the readiness of the Government of Ukraine to host the third meeting on confidence-building measures, welcomes also the commitment of both sides to the conflict to meet in Yalta in March 2001, and notes the important contribution a successful conference would make to the peace process;

7. *Reaffirms* the unacceptability of the demographic changes resulting from the conflict, and reaffirms also the inalienable right of all refugees and 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;

8. *Urges* the parties, in this context, to address urgently and in a concerted manner, as a first step, the undefined and insecure status of spontaneous returnees to the Gali district, which remains an issue of serious concern;

9. *Expresses its satisfaction* with the joint assessment mission to the Gali district, carried out under the aegis of the United Nations, and looks forward to the careful consideration of the mission's recommendations regarding human rights, law enforcement and education;

10. *Condemns* all violations of the Moscow Agreement of 14 May 1994 on a Ceasefire and Separation of Forces, and notes with particular concern the Abkhaz military exercise conducted in November 2000;

11. *Deplores* the rise in criminality and activities of armed groups in the conflict zone, which constitutes a major destabilizing factor affecting the overall situation, calls upon the parties to increase their efforts at curbing them and to cooperate in good faith using the means provided by the Coordinating Council mechanism, condemns the recent killings of civilians and Abkhaz militiamen, and calls upon both sides, in particular the Georgian side, to investigate these incidents and bring to justice those responsible;

12. *Condemns* the abduction of two military observers of the United Nations Observer Mission in Georgia on 10 December 2000, recalls that the Georgian and the Abkhaz sides bear the primary responsibility for the security of the Mission, the collective peacekeeping force of the Commonwealth of Independent States and other international personnel, and appeals to them to bring to justice the perpetrators of the hostage-taking incidents of October 1999, June 2000 and December 2000;

13. *Calls upon* the parties to ensure security and freedom of movement of the United Nations and other international personnel;

14. *Welcomes* the fact that the Mission is keeping its security arrangements under constant review in order to ensure the highest possible level of security for its staff;

15. *Decides* to extend the mandate of the Mission for a new period terminating on 31 July 2001, subject to a review by the Council of the mandate of the Mission in the event of any changes that may be made in the mandate or in the presence of the collective peacekeeping force, and expresses its intention to conduct a thorough review of the operation at the end of its current mandate, in the light of steps taken by the parties to achieve a comprehensive settlement;

16. *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, and requests also the Secretary-General to provide for a briefing within three months on the progress of the political settlement, including on the status of the draft paper his Special Representative intends to submit to the parties as referred to in paragraph 3 above;

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

Prior to the vote on the resolution, Georgia made a statement to the effect that the introduction of a new operative paragraph—paragraph 4—might jeopardize the upcoming third meeting on confidence-building measures and put the entire peace process on hold. The draft protocol and the draft agreement on peace guarantees referred to in that paragraph were unacceptable. The draft agreement, which it labelled dubious in many respects, was neither referred to in the Secretary-General's report nor discussed by the Council. Furthermore, it was not convinced that paragraph 4 as proposed would not be interpreted as exerting Council pressure on a Member State to enter into a peace agreement with a separate region, thus setting a dangerous precedent from the standpoint of international law. Stress should be placed, rather, on the need to accelerate work on the return of refugees and internally displaced persons to the Gali district, on the region's economic rehabilitation and on guarantees for the non-resumption of hostilities.

**Communications.** By a 27 February statement [S/2001/196], Georgia's Foreign Ministry stated that the Abkhaz regime's decision to hold self-styled local elections on 10 March was illegal and their results should be declared void. More than half the region's population had been expelled; the security and safety of the remaining Georgians were under constant threat, their basic human rights were regularly violated and free expression of the people's will was non-existent. It recalled the Security Council's reiteration in resolution 1287(2000) [YUN 2000, p. 387] that it considered unacceptable and illegitimate the holding of the self-styled referendum and elections in Abkhazia, Georgia. It further stated its belief

that those unlawful elections created additional obstacles to the peace process, counteracted the good will of the Georgian Government and people, and undermined the international community's efforts to find a peaceful resolution, with full respect for the sovereignty and territorial integrity of Georgia.

In a 19 March letter to the Council [S/2001/245], Georgia's President, Eduard Shevardnadze, noted that the deadlocked peace process in Abkhazia had led to the eviction of tens of thousands of people from their homes. He stated that further efforts should be directed towards reaching an agreement on the political status of Abkhazia, with full respect for Georgia's sovereignty and territorial integrity, and towards the unconditional and dignified return of all refugees and internally displaced persons to their homes. To those ends, Georgia proposed that the United Nations draft a document setting forth the basic principles on the distribution of constitutional competences between Tbilisi and Sukhumi, to be debated and approved by the Security Council prior to its presentation to the two sides as a basis for further negotiations; and that decisive action be taken to ensure fulfilment of the Abkhaz regime's primary responsibility to secure the unconditional return of displaced persons, while asserting that there could be no linkage between the issue of Abkhazia's political status and the inalienable right of refugees and displaced persons to return home.

Ukraine, on 17 March [S/2001/242], transmitted to the Secretary-General the final documents of the third meeting on confidence-building measures between Georgia and Abkhazia (Yalta, 15-16 March), held under UN auspices within the framework of the Geneva peace process [YUN 1997, p. 365]. One was the Yalta Declaration, by which the two sides reaffirmed their commitments to the non-use of force in resolving their disputes and to create the conditions necessary for the safe return of refugees and internally displaced persons to their homes, the first phase being to the Gali district within the old borders. They asked the Special Representative to appeal to the United Nations, the Group of Friends of the Secretary-General, OSCE and CIS to guarantee the implementation of those commitments. The two sides further reaffirmed their commitment to observe their ceasefire accords and to prevent threats to the life and security of UNOMIG and CIS peacekeeping personnel.

The second document was a Programme of Action on confidence-building measures, to which was annexed a list of 15 specific measures in various fields, for the implementation of which they would provide organizational and

technical support and create reporting channels and a database to record progress.

Ukraine, on 19 March [S/2001/247], referred to the foregoing meeting as having created a good platform for the conflicting sides to reach accord.

#### SECURITY COUNCIL ACTION (March)

The Security Council met twice on 21 March regarding the outcome of the third Georgia-Abkhaz meeting on confidence-building measures. The first Council meeting was held in private [meeting 4299], at which Ukraine briefed the Council on the subject.

At the second meeting [meeting 4300], following consultations among Council members, the President made statement **S/PRST/2001/9** on behalf of the Council:

The Security Council welcomes the successful holding of the third meeting on confidence-building measures between the Georgian and Abkhaz sides in Yalta on 15 and 16 March 2001 and the resumption of dialogue between them, and notes the documents signed there. It hopes that action flowing from the Yalta meeting will lead to a narrowing of the positions of the two sides and stimulate further constructive dialogue aimed at achieving a comprehensive political settlement of the conflict, including a settlement of the political status of Abkhazia within the State of Georgia and other key issues. The Council underlines the contribution that confidence-building measures can bring to the peace process and commends the efforts by the Government of Ukraine in ensuring the success of the Yalta meeting.

The Council reaffirms its support for the efforts by the Special Representative of the Secretary-General to enhance contacts at all levels between the Georgian and Abkhaz sides, in close cooperation with the Russian Federation, in its capacity as facilitator, the Group of Friends of the Secretary-General and the Organization for Security and Cooperation in Europe.

The Council encourages the two sides to engage with renewed commitment in the peace process. The Council notes the stated willingness of the two sides to ensure favourable conditions for the continuation of the peace process, their stated commitment to the non-use of force and their stated determination to intensify efforts in order to create the necessary climate for the voluntary return of internally displaced persons and refugees in secure and dignified conditions. The Council also notes the important contribution that the United Nations Observer Mission in Georgia and the collective peacekeeping force of the Commonwealth of Independent States continue to make in stabilizing the situation in the zone of conflict.

The Council underlines the unacceptability of the holding of self-styled local elections in Abkhazia, Georgia, on 10 March 2001, which it deems illegitimate and unhelpful. The organization of these elections represents an additional obstacle to the at-

tempts to reach a comprehensive settlement of the conflict based on international law.

The Council stresses the importance of negotiations on the core political questions of the conflict. In this regard, it looks forward to the briefing to be provided by the Secretary-General on the progress of the political settlement, including on the status of the draft paper his Special Representative intends to submit to the two sides, as referred to in paragraph 16 of its resolution 1339(2001) of 31 January 2001.

The Council will remain actively seized of the matter and reaffirms its commitment to advancing the peace process.

**Report of Secretary-General (April).** In April [S/2001/401], the Secretary-General reported that no progress was achieved either on the fundamental issue of Abkhazia's future political status within the State of Georgia or on reaching agreement among the Group of Friends on the draft paper concerning the distribution of competences between Tbilisi and Sukhumi, considered a prerequisite for presenting the text as a basis for negotiations. Moreover, in a 12 March letter, the Abkhaz leader, Vladislav Ardzinba, repeated his rejection of any discussion on the status question on the basis of an eventual draft paper. Nevertheless, key aspects of the question were addressed at a seminar (Pitsunda, Georgia, 12-13 February), which gave the Abkhaz and Georgian sides an opportunity to argue their positions on statehood and self-determination.

Referring to the third meeting on confidence-building measures, the Secretary-General observed that good-faith implementation by the two sides of their commitments would mark a qualitatively new stage in the confidence-building component of the peace process and would give a strong impetus to the settlement effort.

The Coordinating Council, chaired by the Special Representative, held its twelfth session (Sukhumi, 12 January). The two sides continued to use that Council's Working Groups I and III to expand direct bilateral contacts on security and economic issues. With UNHCR support, efforts were under way to revive Working Group II on refugees and internally displaced persons, but the Abkhaz side withdrew its agreement to participate in the scheduled April session of the Coordinating Council due to a serious deterioration in relations brought about by that month's violent events (see below).

The Abkhaz de facto authorities held "local elections" on 10 March, which the Special Representative, in a public statement, characterized as unacceptable and illegitimate. Similar statements were issued by the Council of Europe, OSCE and the Russian Federation's Ministry of Foreign Affairs. An exchange of letters took place between UNOMIG and the Abkhaz side con-

cerning the violation of UNOMIG's freedom of movement in November 2000, when the Abkhaz side prohibited the overflight of territory under its control [YUN 2000, p. 397].

As to UNOMIG operations, the Secretary-General reported that the Special Representative obtained adequate security assurances from the Georgian authorities for patrolling in the upper Kodori Valley, which had been suspended following the December 2000 abduction of UNOMIG military observers [ibid.]. Based on those assurances and under revised UNOMIG security regulations, the Chief Military Observer decided to resume helicopter patrols over the Kodori Valley on 13 April. UNOMIG was also ready to resume ground patrols in the lower Valley in cooperation with the CIS peacekeeping force.

The overall situation in the conflict zone, particularly in the Gali region, remained volatile: 45 shooting incidents, 12 killings, 9 abductions, 8 mine blasts and 40 robberies were recorded. None directly targeted UNOMIG personnel. In response to a number of January clashes between Abkhaz and Georgian armed groups and attacks targeting the CIS peacekeeping force, UNOMIG increased patrols and defused tensions through its Joint Fact-finding Group and regular weekly quadripartite meetings with the two sides, UNOMIG and the CIS peacekeeping force. March saw incidents of recently laid landmines, as well as two bomb attacks on "election" day in the Gali district.

During April, a CIS vehicle was ambushed. An anti-tank mine was discovered on the beach some 400 metres from UNOMIG headquarters in Sukhumi, which a United Kingdom-based demining NGO dismantled. To stop an escalating cycle of violence between armed groups from the two sides that had been triggered by an ambush from the Georgian side on the main road north of Gali, the Special Representative, on 16 April, convened a meeting of the two sides at the main bridge over the Inguri River. In a signed Protocol, they agreed to verify the physical condition of all persons held, to transfer them to the custody of official structures and to hand over the bodies of those killed. In subsequent consultations with the two sides and separate meetings with Georgia's President and the Abkhaz de facto "Prime Minister", Anri Jergenia, the Special Representative urged them to implement the Protocol. The Abkhaz side had since reported to UNOMIG sightings of several armed groups crossing the ceasefire line into Abkhaz-controlled territory.

Faced with an increasing threat from landmines, UNOMIG enhanced its security measures to include the use of heavier mine- and ballistic-

protected vehicles. In that regard, the Chief Military Observer took up with both sides the discovery of armour-piercing small arms ammunition at the site of the April firefights. UNOMIG introduced new security regulations for its staff in the Zugdidi sector in response to warnings from the Security Services there of possible abductions or hostage-taking by anti-Government groups.

Despite the continuing grave humanitarian situation in Abkhazia, humanitarian agencies continued to provide for much of the population's acute food and medical needs and to conduct mine clearance and small-scale rehabilitation programmes. UNHCR resumed limited operations in the Gali district, distributing building materials, school kits and hygiene parcels to schools serving returnee children. The work of NGOs continued to be hampered by border-crossing restrictions in the region.

The human rights situation in Abkhazia continued to be precarious. The killing in August 2000 of a legal assistant to the United Nations Human Rights Office in Sukhumi [YUN 2000, p. 395] remained unsolved. Nevertheless, that Office continued to monitor the practices of law enforcement agencies during pre-trial detention and criminal trials; to provide advisory services to the local population, mostly in cases involving the violation of ownership and property rights; and to conduct human rights education and training programmes. Particular attention was paid to the situation in the Gali district.

The Secretary-General observed that the attitude of blanket rejection adopted by the Abkhaz side was short-sighted and counterproductive. He appealed to all concerned to clear the way for the start of meaningful talks aimed at defining the status of Abkhazia within the State of Georgia. He called on the two sides to implement without delay the recommendations of the 2000 joint assessment mission to the Gali district [ibid., p. 397], which were being finalized in consultation with the participating organizations, as well as their obligations under the 16 April 2001 Protocol, in particular the Georgian side's commitment to take effective measures to stop the activities of illegal armed groups crossing into the Gali district from the Georgian-controlled side of the ceasefire line. The Secretary-General stated that violations of UNOMIG's freedom of movement and the failure to bring to justice the perpetrators of the hostage-taking incidents that had targeted UNOMIG were not acceptable.

**Communication.** Georgia, in a 16 April statement [S/2001/377], while noting the positive developments aimed at reaching a settlement to the conflict in Abkhazia, Georgia, expressed concern over the recent violent events in the Gali dis-

trict: the renewed activity of Abkhaz armed groups; a bus explosion that killed one civilian; a mine explosion that severely injured five children; the detainment of five civilians, two of whom were murdered; and the capture of a fishing boat with its five fishermen on the grounds that the boat was "in violation of Abkhaz territorial waters". Georgia thus called on the United Nations, the Group of Friends of the Secretary-General, OSCE, the Council of Europe, CIS and other international organizations to take immediate steps to improve the situation and not allow the escalating hostilities to jeopardize the peace process.

#### SECURITY COUNCIL ACTION (April)

The Security Council met twice on 24 April to consider the agenda item on the situation in Georgia. At the first meeting [meeting 4313], held in private, the Council heard a briefing by the Special Representative of the Secretary-General and Head of UNOMIG; at the second [meeting 4314], the President, following consultations among Council members, made statement **S/PRST/2001/12** on behalf of the Council:

The Security Council welcomes the briefing provided by the Special Representative of the Secretary-General, on 24 April 2001, in accordance with paragraph 16 of its resolution 1339(2001) of 31 January 2001. It welcomes also the presence of the Minister for Special Affairs of Georgia at its meeting.

The Council stresses that the continued lack of progress on key issues of a comprehensive settlement of the conflict in Abkhazia, Georgia, is unacceptable. It underlines the decisive importance of early negotiations on the core political questions of the conflict. It strongly supports, in this context, the efforts of the Special Representative of the Secretary-General to promote the achievement of a comprehensive political settlement based on the resolutions of the Security Council, which must include a settlement of the political status of Abkhazia within the State of Georgia.

The Council strongly supports, in particular, the intention of the Special Representative to submit, in the near future, his draft paper containing specific proposals to the parties on the question of the distribution of constitutional competences between Tbilisi and Sukhumi. It calls on all those concerned to use their influence with a view to facilitating this process.

The Council welcomes the intention of the Special Representative to submit the draft paper to the parties soon, as a starting point for negotiation, and not as an attempt to impose or dictate any possible solution. It calls upon the parties constructively to accept the paper in this light and work towards a mutually acceptable settlement.

The Council will remain actively seized of the matter and reaffirms its commitment to advancing the peace process.

**Communication.** Belarus, on 20 June [S/2001/618], informed the Security Council of the 1 June decision of the Council of Heads of State of the Commonwealth of Independent States to extend the mandate of the CIS peacekeeping force in the conflict zone in Abkhazia, Georgia, until 31 December 2001.

**Report of Secretary-General (July).** The Secretary-General reported in July [S/2001/713] that, through the efforts of the Special Representative and the UNOMIG Chief Military Observer, the Georgian and Abkhaz sides, on 11 May, handed over the remains of those killed in the April firefights and exchanged all detainees. The lessening of tensions that followed allowed the seventh session of the Coordinating Council's Working Group I on security matters to be held (Sukhumi, 10 July) under the chairmanship of the Chief Military Observer. In a joint statement, the sides resolved to work together in a spirit of mutual trust in order to avoid further breaches of the 1994 Moscow Agreement [YUN 1994, p. 583], to reduce criminal activity and to bring criminals to justice.

On 8 and 9 July, two serious incidents in the Gulripshi area resulted in six people dead and two taken hostage outside UNOMIG's area of responsibility. In a 12 July statement, the Abkhaz side accused the Georgian side of involvement in those incidents. It cancelled its participation in the upcoming Coordinating Council session and refused to take part in a planned 16 July seminar on "State-legal aspects" of the settlement of the conflict—a follow-up to the February Pitsunda seminar (see p. 378)—to be held under the auspices of the Council of Europe.

Work on the issue of the future status of Abkhazia within the State of Georgia intensified following Security Council statement S/PRST/2001/12 (see p. 379). The Group of Friends, in close consultation with the Special Representative, had accelerated the finalization of the draft paper on the distribution of competences between Tbilisi and Sukhumi. The Special Representative visited Moscow in mid-July, where he met with high-ranking representatives of the Russian Federation, in its capacity as facilitator. The Abkhaz authorities reiterated their well-known position that any discussion of Abkhazia's political status was obsolete given its 1999 "Act on State Independence of the Republic of Abkhazia" [YUN 1999, p. 373].

Despite the unstable security situation in the zone of conflict, a steady return of internally displaced persons to the Gali region continued. In early May, the Special Representative submitted to the two sides the report of the 2000 joint assessment mission to the Gali district [YUN 2000, p. 397];

both sides informally indicated that the report was an objective representation of the situation and expressed willingness to discuss the implementation of its recommendations. On 15 June, in a major step towards confidence-building, the Abkhaz side handed over to the Georgian side the remains of the 15 Georgian soldiers killed in combat near Sukhumi in 1993.

UNOMIG continued its ground patrols from Sukhumi and the two sector headquarters in Gali and Zugdidi, along with its helicopter patrols. For security reasons, patrolling remained suspended in the upper Kodori Valley. A detailed regime for patrolling that region had been agreed upon between the Chief Military Observer and Georgia's Minister of Defence and was to be implemented as soon as the security situation allowed.

A series of hostage-taking incidents started in early April, and extensive UNOMIG efforts were required to bring the two sides together at the highest political level to prevent further escalation of the situation. Two Abkhaz delegates refused to attend the meetings of the Joint Fact-finding Group due to the failure of the Georgian authorities to take adequate measures to prevent the activities of illegal armed groups in the Gali region and to provide essential evidence in some investigation cases, which constituted a breach of the 2000 protocol for the joint investigation of violations of the Moscow Agreement [YUN 2000, p. 387]. Following the joint statement signed during the seventh session of Working Group I, however, both sides expressed readiness to strengthen their cooperation with the Joint Fact-finding Group, which had concluded its investigations in three cases: the 25 January fuel truck ambush; the 26 January anti-tank missile attack (see p. 375); and the April mine explosion in which five children were injured (see p. 379).

On 6 May, an Abkhaz customs officer driving a vehicle was stopped and taken by a group of armed men to the Georgian side of the ceasefire line. A meeting of the two sides, facilitated by UNOMIG and chaired by its Chief Military Observer, was held on 11 May at the main bridge over the Inguri River. That meeting led to the signing of a protocol in which the Georgian side agreed to consider evidence gathered by the Abkhaz side against three Georgians suspected of murder. It was also agreed that UNOMIG would verify the protocol's implementation. Immediately following the meeting, an exchange of hostages took place.

The reporting period saw the repeated violation of the Moscow Agreement. During a June NATO/Partnership for Peace military exercise, hosted by Georgia's armed forces and conducted

in the Kulevi military manoeuvre area, UNOMIG's freedom of movement in that site was restricted. Georgian armoured personnel carriers and helicopters were observed operating in the restricted weapons zone. On 23 June, two Abkhaz armoured vehicles entered the restricted weapons zone during a military exercise and, on 7 July, a Georgian armoured personnel carrier was seen in the security zone. UNOMIG lodged protests with both sides for all those violations. The Georgian law enforcement agencies had begun a criminal case against two individuals suspected of involvement in the hostage-taking of UN observers, and measures were under way to arrest others involved.

A disturbing tendency by the two sides to restrict the movement of UNOMIG personnel had developed, thereby hindering UNOMIG's ability to fulfil its mandate. A serious instance of obstruction occurred on 30 April, when Abkhaz military personnel aimed a grenade launcher at a UNOMIG helicopter circling an Abkhaz observation post. On 14 June, the Georgian side prevented UNOMIG military observers from entering part of the restricted weapons zone. The next day, the same side advised UNOMIG against conducting helicopter flights over parts of its area of responsibility due to the ongoing military exercises; the situation was rectified following UNOMIG's protest.

On 30 April, the UNOMIG Zugdidi liaison team was detained for about four hours by a demonstration of some 100 internally displaced persons waiting to receive allowances from the Zugdidi Post Bank. The demonstrators demanded that the team contact the Minister for Distribution of Allowances to request that he negotiate with them. The team was released upon the arrival of the police and local authorities, but the demonstrators threatened to destroy UNOMIG's Zugdidi sector headquarters on 11 May if they had not received their allowances by 10 May. Despite UNOMIG's repeated requests, Georgian authorities failed to take measures to safeguard against that threat. On 11 May, quick police response to a demonstration outside the sector headquarters forestalled any damage.

With respect to the continued serious humanitarian situation in Abkhazia, Georgia, UNHCR initiated community-based rehabilitation of 14 schools requiring urgent attention in the upper and lower Gali regions and planned to expand its assistance to others. Despite the deplorable conditions found at many schools, they were attended by nearly 4,000 pupils in the 2000/01 school year. The rehabilitation of selected dispensaries and water purification systems would also be considered in 2001.

Violations of the right to life, the right to physical integrity and the right to liberty and security of person remained major issues of concern to the United Nations Human Rights Office in Abkhazia. The Office reported new cases of evictions and violations of the right to property, along with complaints about religious persecution. The number of abductions had markedly increased. The human rights situation remained particularly precarious in the Gali region, where the joint assessment mission had recommended the opening of a human rights branch office [YUN 2000, p. 397].

Encouraged by progress achieved within the Group of Friends on streamlining its position with regard to the draft paper on the distribution of competences, the Secretary-General appealed to the Group to complete that process with the cooperation of the Special Representative and said that the Abkhaz side should reconsider its position not to address the status question. He said both sides should work together to clarify the 8 and 9 July incidents (see p. 380), release the hostages and bring the perpetrators to justice. He further urged them to resume their work in the Coordinating Council as soon as possible.

The Secretary-General called on both sides to fulfil their commitments under the 1994 Quadripartite Agreement on the voluntary return of refugees and displaced persons [YUN 1994, p. 581] with renewed determination; invited them to implement the Yalta Programme of Action (see p. 377); and appealed for their full compliance with the Moscow Agreement. The Secretary-General concluded his report by recommending that UNOMIG's mandate be extended until 31 January 2002.

**Communication.** On 24 July [S/2001/733], Georgia expressed serious concern regarding the disruption by the Abkhaz side of the thirteenth Georgian-Abkhaz Coordinating Council session scheduled for 17 July in Tbilisi. It said that such actions, designed to halt the peace process, were becoming routine. At the seventh session of Working Group I, the Georgian side had again underscored the need to create a joint action mechanism for the improvement of security conditions in the region. However, the Abkhaz side rejected all previous agreements and Georgian initiatives. Georgia claimed that returnees were being subjected to continuous violations of their fundamental rights by criminal elements and by the so-called law enforcement agencies of the illegitimate regime. Georgia also appealed for the resumption of dialogue between the sides.

## SECURITY COUNCIL ACTION (July)

On 31 July [meeting 4353], the Security Council unanimously adopted **resolution 1364(2001)**, based on a draft [S/2001/747] prepared in consultations among Council members.

*The Security Council,*

*Recalling* all its relevant resolutions, in particular resolution 1339(2001) of 31 January 2001, and the statements by its President of 21 March 2001 (S/PRST/2001/9) and 24 April 2001 (S/PRST/2001/12),

*Having considered* the report of the Secretary-General of 19 July 2001,

*Recalling* the conclusions of the Lisbon and Istanbul summits of the Organization for Security and Cooperation in Europe regarding the situation in Abkhazia, Georgia,

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

*Deeply concerned* by the interruption of negotiating activities following the killings and hostage-taking incidents in April and May 2001 in the district of Gali, on 8 and 9 July 2001 in the Gulripshi area and again on 22 July 2001 in Primorsk,

*Expressing its regrets* at the cancellation of the thirteenth session of the Coordinating Council of the Georgian and Abkhaz sides, initially scheduled for 17 July 2001, due to the withdrawal of the Abkhaz side following those incidents,

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

*Welcoming* the important contributions that the United Nations Observer Mission in Georgia and the collective peacekeeping force of the Commonwealth of Independent States continue to make in stabilizing the situation in the zone of conflict, noting that the working relationship between the Mission and the collective peacekeeping force has remained very close, and stressing the importance of close cooperation between them in the performance of their respective mandates,

*Noting* the invitation of the Georgian Government for the Security Council to dispatch a mission to the region,

1. *Welcomes* the report of the Secretary-General of 19 July 2001;

2. *Regrets* the deterioration of the situation in the zone of conflict due to the ongoing violence, hostage-taking incidents, the rise in criminality and the activities of illegal armed groups in the conflict zone, which constitutes a constant threat to the peace process;

3. *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;

4. *Recalls* the intention of the Special Representative to submit the draft paper on the question of the distribution of constitutional competences between Tbilisi and Sukhumi as a basis for meaningful negotia-

tions, and not as an attempt to impose or dictate any specific solution to the parties;

5. *Stresses* the importance of early submission to the parties of the paper as a starting point and significant catalyst for negotiations on a comprehensive political settlement, and deeply regrets that the Special Representative of the Secretary-General has not been in a position to do so;

6. *Stresses also* the need to accelerate work on the draft protocol on the return of the refugees to the Gali region and measures for economic rehabilitation, as well as on the draft agreement on peace and guarantees for the prevention and for the non-resumption of hostilities;

7. *Calls upon* the parties, in particular the Abkhaz side, to undertake immediate efforts to move beyond the impasse and to engage into negotiations on the core political questions of the conflict and all other outstanding issues in the United Nations-led peace process;

8. *Welcomes* the documents signed at the Yalta meeting on confidence-building measures in March 2001, and urges the Georgian and Abkhaz sides to implement the proposals agreed in those documents in a purposeful and cooperative manner;

9. *Calls upon* the parties to resume their work in the Coordinating Council and its relevant mechanisms as soon as possible;

10. *Urges* the parties to work together, through more effective use of existing arrangements within the Coordinating Council mechanisms, in order to clarify the incidents of 8, 9 and 22 July 2001, bring about the release of the hostages still being held and bring the perpetrators to justice;

11. *Reaffirms* the unacceptability of the demographic changes resulting from the conflict, and 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 of 4 April 1994;

12. *Further urges* the parties, in this context, to address urgently and in a concerted manner, as a first step, the undefined and insecure status of spontaneous returnees to the Gali district, which remains an issue of serious concern;

13. *Welcomes* measures undertaken by the Government of Georgia, the United Nations Development Programme, the Office of the United Nations High Commissioner for Refugees, the Office for the Coordination of Humanitarian Affairs and the World Bank to improve the situation of refugees and internally displaced persons to develop their skills and to increase their self-reliance with full respect for their inalienable right to return to their homes in secure and dignified conditions;

14. *Recalls with satisfaction* the joint assessment mission to the Gali district, carried out under the aegis of the United Nations, and looks forward to a discussion by the parties of practical steps to implement the mission's recommendations;

15. *Deplores* all violations of the Moscow Agreement of 14 May 1994 on a Ceasefire and Separation of Forces, and notes with particular concern the military exercises conducted by both parties in June and July 2001 in violation of the Moscow Agreement;

16. *Expresses its concern* at the disturbing tendency by the parties to restrict the freedom of movement of the United Nations Observer Mission in Georgia, thereby hindering the ability of the Mission to fulfil its mandate, urges both sides to return immediately to full compliance with the Moscow Agreement, which remains a cornerstone of the United Nations peace effort, and calls upon the parties to ensure the security and freedom of movement of United Nations and other international personnel;

17. *Recalls* that the Georgian and the Abkhaz sides bear the primary responsibility for the security of the Mission, the collective peacekeeping force of the Commonwealth of Independent States and other international personnel and for full compliance with all security arrangements agreed between them to preclude any further aggravation of the situation, and urges both parties to bring to justice the perpetrators of all hostage-taking incidents, particularly the abduction of two military observers of the Mission in the Kodori Valley on 10 December 2000;

18. *Reminds* the Georgian side in particular to uphold its commitment to put a stop to the activities of illegal armed groups crossing into Abkhazia, Georgia, from the Georgian-controlled side of the ceasefire line;

19. *Welcomes* the fact that the Mission is keeping its security arrangements under constant review in order to ensure the highest possible level of security for its staff;

20. *Decides* to extend the mandate of the Mission for a new period terminating on 31 January 2002, subject to a review by the Council of the mandate of the Mission in the event of any changes that may be made in the mandate or in the presence of the collective peacekeeping force of the Commonwealth of Independent States, and expresses its intention to conduct a thorough review of the operation at the end of its current mandate, in the light of steps taken by the parties to achieve a comprehensive settlement;

21. *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, and requests also the Secretary-General to provide for a briefing within three months on the progress of the political settlement, including on the status of the draft paper his Special Representative intends to submit to the parties as referred to in paragraph 4 above;

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

**Communication.** In a 16 July statement [S/2001/762], transmitted on 1 August, Georgia drew the international community's attention to the increasingly dangerous scale of the illegal exploitation of natural resources and other properties in the territory controlled by the separatist regime in Abkhazia, Georgia. It claimed that the Abkhaz separatist leadership continued, for the purpose of personal enrichment, to break up and plunder industrial and agricultural complexes and sell them to foreign entities, and that it misappropriated medical/resort facilities and adjacent territories. The international community and the Government of Georgia had unequivocally as-

serted on numerous occasions that the separatist regime's decisions regarding the utilization of real estate or any other property in the territory of Abkhazia were illegal and void. The scale of natural resources exploitation in Abkhazia violated Georgia's sovereign rights and caused serious damage to the environment. The felling of certain varieties of trees and forests protected under Georgia's endangered species list caused irreversible damage to the entire region's unique ecosystems. Georgia appealed to the international community and the global environment society to take steps to halt the irresponsible exploitation of the natural resources in Abkhazia, Georgia.

**Security Council consultations.** Following informal consultations on 8 October, the Security Council issued a press statement [S/2001/1298] strongly condemning the shooting down on that date of a UNOMIG helicopter near the Kodori Valley in Abkhazia, killing four UN observers, two local staff and three crew members. The Council offered its condolences to the bereaved families, and called for a speedy investigation into the incident and for bringing the perpetrators to justice. It underlined the importance of keeping security arrangements under constant review to ensure the highest possible level of security for UNOMIG personnel. It recalled that providing appropriate security conditions for UNOMIG's functioning at all times was the primary responsibility of both sides, pursuant to relevant Council resolutions and to their mutual obligations, including under the Yalta Declaration.

In further informal Council consultations on 12 and 29 October, the Secretariat gave a briefing on developments surrounding the incident. The remains of all nine victims had been recovered; UNOMIG had restricted movement in the region and drawn up preliminary staff relocation plans should they be needed. The investigation team, constituted on 14 October, was headed by Ukraine, the helicopter's country of registration. Its preliminary findings suggested that the crash had been caused by the impact of a surface-to-air missile fired from a portable launcher, probably by an armed infiltrator.

**Report of Secretary-General (October).** In an October report [S/2001/1008], the Secretary-General said the UNOMIG helicopter shot down on 8 October (see above) in the Gulripshi district of Abkhazia, Georgia, was on its way to resume patrolling in the upper Kodori Valley. The incident, he noted, marked a new low point in the situation in Georgia, which had been deteriorating in the past six months, adding that both sides had contributed to the current deplorable state of affairs. They had neglected essential political

work within the mechanisms of the Geneva peace process, particularly the Coordinating Council; disregarded the implementation of agreed protocols; and failed to contain a situation with a clear potential for armed clashes. Since direct political contacts between the two sides had been reduced to a minimum, the efforts of the Special Representative and the Chief Military Observer since mid-August had focused on crisis management rather than on the promotion of a political settlement. The Special Representative was attempting through high-level political contacts with the two sides to re-establish dialogue between them and to revitalize existing negotiating mechanisms.

In August, the Russian Federation presented new proposals for the draft paper on distribution of competences between Tbilisi and Sukhumi that suggested the inclusion of security guarantees. Following a series of meetings between the Special Representative and the Group of Friends in New York, Moscow and Tbilisi, it was further suggested that security guarantees be dealt with on a parallel track, based on the Yalta Declaration (see p. 377). The Group of Friends had yet to reach agreement on the basic paper for negotiations on the future political status of Abkhazia within the State of Georgia. A 1 August letter from the Abkhaz de facto "Prime Minister" repeated the Abkhaz leadership's refusal to participate in any negotiations based on such a paper, claiming "State-legal relations" between Abkhazia and Georgia had broken off when the Union of Soviet Socialist Republics was still in existence.

The thirteenth session of the Coordinating Council, rescheduled for 9 October in Tbilisi, was postponed for the third time by the Special Representative due to insufficient political will on either side to engage in serious dialogue and to an increasing tendency to hold the peace process hostage to political demands. The implementation of agreed projects had almost come to a standstill, although some preparatory work within the framework of the Coordinating Council continued (see below).

On 18 October, the Abkhaz de facto "Prime Minister" publicly suggested a closer association between Abkhazia and the Russian Federation. Russian officials at the highest levels, however, reaffirmed their commitment to Georgia's territorial integrity. Earlier, on 11 October, Georgia's Parliament adopted a resolution to replace the CIS peacekeeping force with an international peacekeeping mission without specifying its modalities.

Turning to UNOMIG's operations, the Secretary-General reported that, following abductions and counter-abductions in July and

August, the Special Representative chaired an extraordinary ministerial meeting of both sides on 14 August, during which the parties agreed to locate, take into protective custody and return all abducted persons, and to combat illegal activities in the security zone. The first hostages were released two days later. The two sides increased their cooperation in the Joint Fact-finding Group, and participation by all parties in the Group's investigations markedly improved.

On 18 and 19 August, clashes between armed irregulars and Abkhaz security forces near the upper Kodori Valley, outside UNOMIG's area of responsibility, resulted in the death of four irregulars. According to local authorities in Tbilisi, the Abkhaz forces used two helicopters and a jet aircraft in the fighting, leading to Georgian accusations of Russian involvement. On 22 August, the Abkhaz de facto "Prime Minister" claimed that 700 armed irregulars were massed on the Georgian side of the ceasefire line, in the northern part of UNOMIG's area of responsibility, poised to invade. The Abkhaz authorities responded with a partial military mobilization. To defuse tensions, UNOMIG's Chief Military Observer held meetings with top-level officials in Tbilisi and Sukhumi and received assurances that Georgia would prevent armed groups from crossing the ceasefire line. He further facilitated a meeting between the Abkhaz de facto "Prime Minister" and the Georgian Minister of Special Affairs on 24 August in Sukhumi, followed by direct telephone contact between the former and Georgia's President. The armed irregulars appeared to withdraw from their positions and the Abkhaz authorities called off their partial mobilization. They also expressed readiness to return to the Coordinating Council.

Working Group I on security matters convened on 11 September in Tbilisi, during which the parties reaffirmed their commitment to the 1994 Moscow Agreement and recommended that: UNOMIG and the CIS peacekeeping force should resume regular patrols in the Kodori Valley; in the case of suspected summary execution during detention, UNOMIG medical personnel should be granted immediate access to conduct independent examination of the bodies; the Georgian side should report on criminal proceedings against the persons handed over to them on 11 May (see p. 381); both sides should locate persons still missing according to the 14 August protocol; and both sides should exchange written information about cases for investigation by the Joint Fact-finding Group during the weekly quadripartite meetings.

The situation worsened anew in the second week of September, when Georgian armed ir-

regulars, together with fighters from the North Caucasus of predominantly Chechen origin, were in or near the Georgian-controlled upper Kodori Valley, as reported to UNOMIG by the Abkhaz side, at the same time that the Georgian authorities informed of the movement of three Abkhaz armoured vehicles to the Abkhaz-controlled lower Kodori Valley. A special UNOMIG helicopter patrol confirmed the presence of a field howitzer and two armoured personnel carriers at the Abkhaz checkpoint. At a UNOMIG-facilitated meeting on 28 September in Tbilisi, Georgia's President and the Abkhaz de facto "Prime Minister" agreed to take steps to avert new fighting in and around the Kodori Valley. The Georgian side reportedly pledged to disperse the armed irregulars; the Abkhaz side pledged restraint in dealing with those irregulars, except in cases of criminal or unlawful activities, and appealed to the Group of Friends to help prevent new hostilities and provide security guarantees as requested in the Yalta Declaration. The Special Representative repeatedly urged Georgian officials to provide the necessary security guarantees for the resumption of UNOMIG patrols in the upper Kodori Valley.

Despite those undertakings, armed irregulars attacked an Abkhaz checkpoint in the village of Georgievskoe in the Abkhaz-controlled lower Kodori Valley on 3 and 4 October. One Abkhaz soldier and four civilians were killed, with five others reported missing. The Special Representative and the Chief Military Observer immediately held a series of meetings with senior government officials in Tbilisi to halt the escalation of violence. On 6 October, unknown irregulars attacked the Abkhaz security post in Tagiloni, near the ceasefire line; no casualties resulted. The assailants fled to the Georgian side of the ceasefire line.

Following the 8 October shooting down of the UNOMIG helicopter, the Special Representative travelled to Sukhumi to oversee rescue efforts and to meet with the Abkhaz leadership. On 9 October, he urged the Abkhaz de facto "Prime Minister" to exercise restraint and not allow the fighting to spread to the upper Kodori Valley. The Abkhaz leadership and Georgia's President agreed to meet on the condition that the only issue to be addressed would be the de-escalation and the end of the ongoing fighting. Meanwhile, 12 local residents were killed in the village of Naa in continued fighting. On 9 October, two unidentified fighter aircraft attacked the villages of Georgievskoe and Chiena in the Abkhaz-controlled lower Kodori Valley and, later, two other aircraft bombed the village of Omarishara in the Georgian-controlled upper Kodori Valley.

On 11 October, the Abkhaz side used artillery and airpower to drive the irregulars out of the lower valley, and, on 17 October, the Abkhaz side was again reported to have used helicopters and planes extensively against retreating irregulars about 10 kilometres from the border with the Russian Federation. The Georgian side again voiced suspicion of Russian involvement.

The Special Representative met with Georgia's President on 11 October to urge him to meet with the Abkhaz de facto "Prime Minister" to avoid larger-scale hostilities, but no response had been received. The Georgian side was also urged not to send reinforcements or supplies into the area of fighting. Since 9 October, UNOMIG's Sukhumi headquarters and the Gali sector had been placed on high alert; operational patrolling from those sectors was suspended, but resumed on 18 October after the fighting had largely ended. Casualty estimates, in addition to civilians and UN staff, put those killed at 60 armed elements and about 16 Abkhaz troops; taken prisoner by Abkhaz forces were 10 irregulars.

Levels of crime remained high in the zone of conflict, especially in lower Gali. In some areas on the Abkhaz-controlled side of the ceasefire line, joint patrolling by Abkhaz militia, local residents and the CIS peacekeeping force helped reduce the level of lawlessness, and joint patrolling by Georgian police, local residents and the CIS peacekeeping force led to similar reductions on the Georgian side.

Due to the fighting in the Kodori Valley area and the volatile situation in Gali, many NGOs suspended their activities after 8 October. UNHCR expanded its school rehabilitation programme to 22 schools in the Gali district, as well as three schools in the Ochamchira district on a self-help basis; however, it still could not operate in the more remote and dangerous areas, such as Primorsk, where humanitarian needs were particularly urgent and only UNOMIG patrols had access. Restrictions on border crossings continued to hamper international NGOs, thus complicating the delivery of assistance and emergency evacuation planning.

Widespread organized crime, lack of effective law enforcement and the continuing stalemate regarding language policy in schools in the predominantly Georgian-speaking Gali district had adversely affected the return of displaced persons to their homes. Reports of human rights violations included harassment on ethnic and religious grounds, violations of fair trial standards and arbitrary and illegal detentions. The United Nations Human Rights Office handled individual complaints and monitored court sessions and detention facilities.

As a follow-up to the November 2000 joint assessment mission to the Gali district [YUN 2000, p. 397], Georgian and Abkhaz representatives and participants of the mission, on 24 September, explored ways to implement the mission's recommendations (see p. 380). Specific attention was given to progress in the return of displaced persons to the Gali district, human rights, public security and language of instruction. The issue of language was also taken up during a 20 September joint visit to the Gali district by the Georgian and Abkhaz Ministers of Education.

In his observations, the Secretary-General reminded both sides of their obligation to provide for the safety and security of UN personnel and to make it their top priority, emphasizing that perpetrators of criminal acts targeted against UNOMIG had to be brought to justice. He noted that the parties had neglected active work within the Geneva peace process mechanisms [YUN 1997, p. 365] and warned that the cancellation on three occasions of the Coordinating Council's thirteenth session over the past six months, twice at the Abkhaz side's request, threatened to defeat the purpose of that negotiating forum. Since the mechanisms had been set up to serve the parties' own security, especially in times of crises, he urged their immediate return to full participation in the Coordinating Council and in all its working groups.

The Secretary-General regretted the absence of meaningful negotiations on the future political status of Abkhazia within the State of Georgia, as well as on the issue of facilitating the safe, secure and dignified return of the refugees and internally displaced persons to their homes. He noted that the promising Programme of Action on confidence-building measures had come to a standstill. In addition, he reminded the parties of their obligation to comply with the Moscow Agreement, the protocols agreed within the Coordinating Council framework and the commitments made during the weekly quadripartite meetings.

**Security Council consideration.** On 30 October, the Council held a private meeting [meeting 4400], during which the Special Representative, the Minister of Special Affairs of Georgia and the representative of Belgium held a constructive discussion on the situation in Georgia.

**Further report of Secretary-General.** In a later report [S/2002/88], the Secretary-General stated that the Special Representative, in consultation with the Group of Friends, was able to finalize in mid-December the paper on the "Basic Principles for the Distribution of Competences between Tbilisi and Sukhumi", which was to be presented to the Georgian and Abkhaz parties as a

basis for substantive negotiations on the future status of Abkhazia within the State of Georgia. In preparation for those negotiations, the Special Representative held consultations in Sukhumi and Tbilisi; the Special Envoy of the Russian Federation also visited Sukhumi. At those consultations, the Abkhaz de facto "Prime Minister" rejected any suggestion that Abkhazia was "within the State of Georgia" and was not prepared to receive the letter transmitting the paper.

A major stumbling block had been the deployment since October of Georgian troops in the Kodori Valley because of the fighting and bombardments in the area. The Abkhaz side affirmed its unwillingness to discuss any subject with the Georgian side as long as those forces remained. The Special Representative repeatedly urged the Georgian side to withdraw its troops in compliance with the 1994 Moscow Agreement; the Group of Friends undertook a similar démarche on 14 December.

In the wake of the October hostilities in the Kodori Valley (see p. 385), contacts between the sides came practically to a standstill. No meetings within the Coordinating Council framework were held and no progress could be made on the implementation of the recommendations of the 2000 joint assessment mission to the Gali district. The lack of movement was partly attributable to internal developments on both sides. The dismissal of the Georgian Government on 1 November effectively immobilized the executive until mid-December. In Sukhumi, the Abkhaz leader was incapacitated by illness and the de facto "Prime Minister" faced a no-confidence vote in the Parliament on 31 October, which he overcame by 28 votes to 7.

UNOMIG continued regular patrolling in its area of responsibility, except in the Georgian-controlled upper Kodori Valley, and, on 20 December, with the CIS peacekeeping force, resumed joint ground patrols in the Abkhaz-controlled lower Kodori Valley, which had been suspended owing to the October hostilities.

The Abkhaz side took responsibility for the 27 to 31 October air raids on the Marukh pass, near the Russian border, which had rendered the area relatively calm although unstable. On 10 November, an Abkhaz official was killed and another seriously wounded in an attack on the Tagiloni customs post on the Abkhaz side of the ceasefire line. On 17 November, an armed group ambushed a CIS peacekeeping force patrol north-east of Zugdidi, injuring one soldier. On 29 December, an armed group attacked the head of Pirveli Gali administration, who returned fire, killing one of the assailants. On three occasions in the second half of December, CIS peace-

keeping force checkpoints came under small arms fire, injuring two soldiers.

As in the past, crime escalated in the Gali area with the beginning of the mandarin harvest, highlighting the weakness of law enforcement there. Abductions continued on both sides of the ceasefire line. Direct negotiations between Georgian and Abkhaz local authorities resulted in an exchange, on 15 and 31 December, of four Abkhaz and the remains of two for the remains of five Georgians. The Abkhaz side still held at least four civilians and five fighters taken prisoner in October.

Two mine incidents in the Gali region involving local civilians, and two in the Kodori Valley involving CIS patrols, led UNOMIG to suspend its patrolling in those sites until mine searches were undertaken by the CIS patrols. Restrictions were also imposed in the Zugdidi sector following the discovery of two containers with radioactive materials near Potskholtseri at the end of December.

UNHCR had almost completed the rehabilitation of 24 schools in the Gali district and provided assistance to elderly displaced persons in Sukhumi. In November, the United Nations Development Programme (UNDP) and the German Government signed an agreement whereby UNDP would implement a telecommunications rehabilitation programme, which would serve displaced persons and returnees on both sides of the ceasefire line, extend links to Sukhumi and connect Tbilisi and the upper Kodori Valley. The Georgian and Abkhaz sides jointly identified the programme needs under the auspices of Working Group III of the Coordinating Council on socio-economic issues, for which the German Government granted an initial contribution of \$150,000.

From 12 to 16 December, the United Nations Human Rights Office in Abkhazia conducted a human rights training seminar for de facto Abkhaz law enforcement agencies. Violation of the right to freedom of speech had been of serious concern, in particular a harassment campaign against the editor of a weekly publication and members of her family.

### Financing

On 14 June [meeting 103], the General Assembly, having considered the Secretary-General's reports on UNOMIG's financial performance for the period 1 July 1999 to 30 June 2000 [A/55/682], the proposed budget for the Mission's maintenance from 1 July 2001 to 30 June 2002 [A/55/768] and ACABQ's comments and recommendations thereon [A/55/874/Add.4], adopted without vote, on the recommendation of the Fifth Committee [A/55/968], **resolution 55/267** [agenda item 144].

### 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 decided to establish 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 1339(2001) of 31 January 2001,

*Recalling further* its decision 48/475 A of 23 December 1993 on the financing of the Observer Mission and subsequent resolutions and decisions thereon, the latest of which was resolution 54/271 of 15 June 2000,

*Reaffirming* the general principles underlying the financing of United Nations peacekeeping operations, as stated by the General Assembly in its 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 Observer Mission,

*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. *Takes note* of the status of contributions to the United Nations Observer Mission in Georgia as at 30 April 2001, including the contributions outstanding in the amount of 19.8 million United States dollars, representing 14 per cent of the total assessed contributions from the inception of the Observer Mission to the period ending 30 June 2001, notes that some 16 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, 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;

3. *Urges* all other Member States to make every possible effort to ensure payment of their assessed contributions to the Observer Mission in full and on time;

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 take all necessary action to ensure that the Observer 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 Observer Mission against General Service posts, commensurate with the requirements of the Mission;

11. *Decides* to appropriate to the Special Account for the United Nations Observer Mission in Georgia the amount of 27,896,341 dollars gross (26,175,806 dollars net) for the maintenance of the Observer Mission for the period from 1 July 2001 to 30 June 2002, inclusive of the amount of 816,452 dollars gross (716,517 dollars net) for the support account for peacekeeping operations and the amount of 85,289 dollars gross (76,589 dollars net) for the United Nations Logistics Base;

12. *Decides also* to apportion among Member States the amount of 2,324,695 dollars gross (2,181,317 dollars net) for the period from 1 to 31 July 2001 in accordance with the levels set out in General Assembly resolution 55/235, as adjusted by the Assembly in its resolution 55/236 of 23 December 2000, and taking into account the scale of assessments for the year 2001, as set out in its resolution 55/5 B of 23 December 2000;

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 estimated staff assessment income of 143,378 dollars approved for the Observer Mission for the period from 1 to 31 July 2001;

14. *Decides* to apportion among Member States the amount of 25,571,646 dollars gross (23,994,489 dollars net) for the period from 1 August 2001 to 30 June 2002, at a monthly rate of 2,324,695 dollars gross (2,181,317 dollars net), in accordance with paragraph 12 above, and taking into account the scale of assessments for the years 2001 and 2002, as set out in General Assembly resolution 55/5 B, subject to the decision of the Security Council to extend the mandate of the Observer Mission beyond 31 July 2001;

15. *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 14 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 1,577,157 dollars approved for the period from 1 August 2001 to 30 June 2002;

16. *Decides further* that, for Member States that have fulfilled their financial obligations to the Observer Mission, there shall be set off against the apportionment, as provided for in paragraphs 12 and 14 above, their respective share of the unencumbered balance of

5,996,479 dollars gross (5,775,479 dollars net) in respect of the period ending 30 June 2000, of which 2,324,695 dollars gross (2,181,317 dollars net) pertains to the period from 1 to 31 July 2001 and 3,671,784 dollars gross (3,594,162 dollars net) pertains to the period from 1 August 2001 to 30 June 2002, in accordance with the composition of groups as set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989 and adjusted by the Assembly in subsequent relevant resolutions and decisions for the ad hoc apportionment of peacekeeping appropriations, the latest of which were resolution 52/230 of 31 March 1998 and decisions 54/456 to 54/458 of 23 December 1999 for the period 1998-2000, and taking into account the scale of assessments for the year 2000, as set out in its resolutions 52/215 A of 22 December 1997 and 54/237 A of 23 December 1999;

17. *Decides* that, for Member States that have not fulfilled their financial obligations to the Observer Mission, their share of the unencumbered balance of 5,996,479 dollars gross (5,775,479 dollars net) for the period ending 30 June 2000, of which 2,324,695 dollars gross (2,181,317 dollars net) pertains to the period from 1 to 31 July 2001 and 3,671,784 dollars gross (3,594,162 dollars net) pertains to the period from 1 August 2001 to 30 June 2002, shall be set off against their outstanding obligations in accordance with the scheme set out in paragraph 16 above;

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

19. *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;

20. *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;

21. *Decides* to include in the provisional agenda of its fifty-sixth session the item entitled "Financing of the United Nations Observer Mission in Georgia".

The Assembly decided, on 24 December, that the item on UNOMIG financing would remain for consideration at its resumed fifty-sixth (2002) session (**decision 56/464**) and that the item would be considered by the Fifth Committee at that session (**decision 56/458**).

Also in December [A/56/721 & Corr.1], the Secretary-General submitted the UNOMIG financial performance report for the period 1 July 2000 to 30 June 2001.

### Georgia–Russian Federation

On 29 October [S/2001/1022], Georgia claimed violation of its airspace and bombing of its territory on 28 and 29 October by warplanes from the Russian Federation. Georgia's repeated demands for an explanation and joint investigation into previous such violations had had no re-

sponse. It therefore appealed to the Security Council and the world community to assess the situation and take steps to prevent aggression against Georgia.

On 15 November [A/56/633-S/2001/1085], the Russian Federation noted that it had fulfilled the key obligations specified in its 17 November 1999 joint statement with Georgia concerning the modalities for fulfilling the conditions laid down in the adapted Treaty on Conventional Armed Forces in Europe (CFE) and for regulating military bilateral ties. The remaining Russian weapons and equipment in Georgia subject to the CFE Treaty were withdrawn before 31 December 2000 or partially disposed of on the spot in conditions of transparency and under international monitoring. The disbandment and withdrawal of Russian military bases at Vaziani and Gudauta were completed in November in accordance with bilateral Georgia-Russian Federation agreements. The departure of Russian military personnel from the Gudauta base, located within the Georgian-Abkhaz conflict area, was protested by Abkhazia's population, who considered their presence a security guarantee in times of armed conflict. The facilities left behind were currently in use by the CIS peacekeeping force for its operations, which were under UNOMIG monitoring. Moscow and Tbilisi had yet to reach an agreement regarding the Russian military bases at Batumi and Akhalkalaki and other military facilities within Georgia; meanwhile, account should be taken of the considerable preparatory arrangements to be made for the return of the servicemen at those bases to the Russian Federation.

Georgia reported further violations of its airspace on 28 November [A/56/664-S/2001/1124] by two Russian military jets that overflew the Kodori gorge, and, on the previous night, by six jets that penetrated 50 kilometres into Georgia's airspace, bombing the territory adjacent to Birkani village, in the Akmeta district, as well as by military helicopters that carried out several air strikes on Georgian territory near the Chechnya and Ingushetia sections of the Georgia-Russian Federation border, including the outskirts of six villages in the area. Calling those violations undisguised aggression, Georgia warned that, if not suppressed, they could exacerbate the instability in the Caucasus. It was imperative for the international community to raise its voice against the violation of internationally accepted principles of peaceful coexistence. It demanded that the Russian Federation cease its repeated acts of aggression against Georgia, which reserved its right to take adequate steps as provided by international law.

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## Armenia-Azerbaijan

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In 2001, Armenia and Azerbaijan were no closer to reaching a settlement of the armed conflict between them, which had erupted in 1992 [YUN 1992, p. 388] over the Nagorny-Karabakh region in Azerbaijan. The Minsk Group of OSCE (France, the Russian Federation and the United States) continued efforts to advance the peace process. In that context, the United States, one of the co-chairs of the Minsk Group, convened a meeting of the parties in Florida. Both sides addressed communications to the Secretary-General during the year regarding developments in the conflict. Nagorny Karabakh's communications were transmitted by Armenia.

**Communications.** On 4 April [A/56/62-S/2001/334], Azerbaijan transmitted to the Secretary-General a statement by its President, Heydar Aliyev, made at a meeting (Key West, Florida, 3 April) with the United States Secretary of State, Colin Powell, the Presidents of Armenia and Azerbaijan and co-chairs of the Minsk Group. President Aliyev said it was the first time the OSCE Minsk Group had convened with the Presidents of Armenia and Azerbaijan and other participants to discuss the question of the peaceful settlement of the Armenian-Azerbaijani Nagorny-Karabakh conflict. He hoped the meeting would play a positive role in resolving the 12-year conflict.

The President outlined the reasons preventing a settlement of the conflict, tracing its history from 1921. He recalled the direct meetings between the Presidents of Armenia and Azerbaijan that began in April 1999 on the initiative of the United States in a search for mutually acceptable compromises, pointing out that, at the end of that year, they were close to doing so. Armenia, however, reneged on the agreement reached. Unfortunately, as a result of those meetings, the co-chairs of the Minsk Group had adopted a wait-and-see position and had based their activities on the principle "What the Presidents agree upon will be acceptable to OSCE".

Azerbaijan did not consider the Presidents' meetings as replacing the activities of the co-chairs of the Minsk Group, but as mutually complementary to ensure progress in the negotiations towards a final settlement of the conflict. Azerbaijan remained committed to peace and the observance of the 1994 ceasefire regime [YUN 1994, p. 577], and would continue to strive for a complete and peaceful settlement of the conflict. The President called on the co-chairs of the

Minsk Group to step up efforts to halt the armed conflict and establish stable peace.

Azerbaijan also requested that the item "The situation relating to Nagorny Karabakh" be retained on the list of matters of which the Security Council was seized [S/2001/422].

In response, the "Minister for Foreign Affairs of Nagorny Karabakh", in a 30 April letter transmitted by Armenia [A/56/64-S/2001/431], submitted a memorandum outlining Nagorny Karabakh's version of the region's history in order to prevent a one-sided interpretation of past events and to establish an objective historical basis in the search for a settlement to the conflict. The "Republic of Nagorny Karabakh" had refrained from discussing the problems of the past in the belief that it was unproductive and that both sides should concentrate on building a peaceful and stable future for the region.

On 16 May [A/56/75-S/2001/489], Azerbaijan rejected references to "Nagorny Karabakh" as a country and any attempt to disseminate within the United Nations the notion of Nagorny Karabakh as an independent entity. Armenia's circulation of the memorandum above was testimony to its direct participation in the conflict and to its aggressive and annexationist plans towards Azerbaijan.

By a 31 August statement [S/2001/844], the Chairman of the Milli Mejlis (Parliament) of Azerbaijan reported that "elections" were to be held on 5 September for local self-government bodies in the so-called "Nagorno-Karabakh Republic". The "elections", aimed at "legitimizing" the so-called "Nagorno-Karabakh Republic", contradicted the principles and norms of international law, the Constitution and laws of Azerbaijan and commonly accepted moral norms and values; they were null and void and had no legal consequences. It was another act of political provocation that would negatively affect the ongoing negotiations on the peaceful settlement of the Nagorny-Karabakh problem, in particular the mediation efforts of the Minsk Group.

The Chairman urged the international community not to remain indifferent to the fact that the occupation forces in Nagorny Karabakh were flagrantly defying the sovereignty and territorial integrity of the Republic of Azerbaijan. He called on the Parliamentary Assembly of the Council of Europe, the Inter-Parliamentary Union, the OSCE Parliamentary Assembly, the Parliamentary Assembly of the Black Sea Economic Cooperation, the CIS Inter-Parliamentary Assembly and the Parliamentary Union of the Member States of the Organization of the Islamic Conference, as well as the European Parliament and the North Atlantic Assembly, to condemn the

act of political provocation and to support the just cause of Azerbaijan.

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## Cyprus

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The year 2001 saw a significant breakthrough in UN efforts, through the Secretary-General's mission of good offices, in preparing the groundwork for meaningful negotiations towards a comprehensive settlement of the Cyprus question. For the first time, the President of Cyprus, Glafcos Clerides, and the Turkish Cypriot leader, Rauf R. Denktas, agreed to begin direct talks without preconditions until a comprehensive settlement was achieved. Those talks were scheduled to begin in January 2002 in Cyprus.

The United Nations Peacekeeping Force in Cyprus (UNFICYP) continued to assist in the restoration of normal conditions and in humanitarian functions. No progress was made during the year in removing the restrictions imposed in 2000 on UNFICYP by the Turkish Cypriot authorities and Turkish forces. The Security Council twice extended the UNFICYP mandate, the second time until 15 June 2002.

By **decision 55/491** of 7 September, the General Assembly included in the draft agenda of its fifty-sixth (2001) session the item entitled "Question of Cyprus". On 24 December, by **decision 56/464**, it decided that the item would remain for consideration during its resumed fifty-sixth (2002) session.

## Incidents

**Communications.** Throughout 2001, the Secretary-General received numerous letters from the Government of Cyprus and from the Turkish Cypriot authorities containing charges and countercharges, protests and accusations, and explanations of position regarding the question of Cyprus. The letters from the "Turkish Republic of Northern Cyprus" were transmitted by Turkey.

In communications dated between 30 January and 2 November, Cyprus alleged massive violations of its national airspace and unauthorized intrusions into Nicosia's flight information region by Turkish military aircraft, while those from the "Representative of the Turkish Republic of Northern Cyprus" claimed, in refutation, the existence of two independent States in Cyprus and that the flights took place within the sovereign airspace of the "Turkish Republic of Northern Cyprus" [A/55/755-S/2001/96, A/55/776-S/2001/119, A/55/854-S/2001/272, A/55/893-S/2001/343,

A/55/990-S/2001/599, A/55/1025-S/2001/765, A/55/476-S/2001/972, A/55/525-S/2001/1044].

In other communications, Cyprus, on 13 February [A/55/782-S/2001/133], responding to a December 2000 letter from Turkey [A/55/715-S/2000/1231], described events that had led to Security Council resolution 186(1964) [YUN 1964, p. 165] and affirmed the continued operation of the 1960 Constitution of Cyprus, subject to necessary temporary modifications. Cyprus also protested what it called the illegal visit of Turkey's Minister for Foreign Affairs to the Turkish occupied areas of Cyprus between 16 and 18 April [A/55/909-S/2001/395].

The "Turkish Republic of Northern Cyprus" gave its own position on various aspects of the Cyprus situation and drew attention to statements made by the representatives of what it called the Greek Cypriot administration in several UN bodies, which it described as containing misrepresentations [A/55/1004-S/2001/645, A/56/504-S/2001/1006, A/55/790-E/2001/6, A/55/865-S/2001/229, A/55/976-S/2001/548, A/55/987-S/2001/576, A/56/669-S/2001/1139, A/56/690-S/2001/1165, A/56/700-S/2001/1187, A/56/755-S/2001/1256]. Both sides also made claims and counterclaims regarding: the arrest and sentencing of a Greek Cypriot, Panicos Tsiakourmas, and the arrest of a Turkish Cypriot, Omer Gazi Tekogul [A/55/737-S/2001/58, A/55/895-S/2001/345, A/55/922-S/2001/427, A/55/932-S/2001/457, A/55/993-S/2001/628]; the issue of the excavations at the archaeological site of Salamis [A/55/1026-S/2001/778, A/55/1032-S/2001/853]; the 10 October judgement in the case of *Cyprus v. Turkey* by the European Court of Human Rights [A/55/986-S/2001/575, A/55/1012-S/2001/678 & Corr.1, A/55/1030-S/2001/824]; and the application of Cyprus for membership in the EU [A/55/899-S/2001/356, A/56/451-S/2001/953, A/56/669-S/2001/1186, A/56/723-S/2001/1222]. On the last issue, the United Kingdom, on 5 November [A/56/612-S/2001/1059], disagreed with Turkey's assertions that Cyprus's application for EU membership was illegal and that the United Kingdom was obliged by the terms of the 1960 Treaty of Guarantee to veto that application.

### Good offices mission

#### Proximity talks

The Secretary-General's Special Adviser on Cyprus, Alvaro de Soto, continued efforts during 2001 to convene the sixth round of proximity talks, scheduled for January, in Geneva, between the two Cyprus parties, led by Cyprus President Glafcos Clerides and Turkish Cypriot leader Rauf R. Denktas, to prepare for meaningful

negotiations towards a comprehensive settlement. In his May report on UNFICYP [S/2001/534], the Secretary-General reported that Mr. de Soto travelled to the island in January for meetings with the two leaders, as well as to Greece and Turkey. Mr. Denktas had asked that no date be set for proximity talks. However, the Special Adviser continued to consult with a number of Governments and organizations and was proceeding with preparations so as to be of assistance to the parties when appropriate.

The Secretary-General later reported that he had met with Mr. Denktas in Salzburg, Austria, on 28 August [S/2001/1122], while his Special Adviser returned to Cyprus, remaining there from 29 August to 5 September. On 4 September, the Special Adviser conveyed to Mr. Clerides and Mr. Denktas the Secretary-General's invitation to resume the search for a comprehensive settlement in a new and reinvigorated phase of his good offices, beginning with separate meetings with the two leaders in New York on 12 September. That invitation was accepted by Mr. Clerides, but declined by Mr. Denktas.

**Security Council consideration.** On 26 September [S/2001/976], the Security Council President issued a press statement in which the Council expressed disappointment at the unjustified decision by the Turkish side to decline the Secretary-General's invitation and reaffirmed that progress could be made only at the negotiating table. The Council encouraged the Secretary-General and his Special Adviser to continue their efforts in accordance with resolution 1250(1999) [YUN 1999, p. 388] and gave full support to those efforts. It urged all concerned to cooperate with the Secretary-General and his Special Adviser and to show confidence in their judgement.

**Communications.** Mr. Denktas, "President of the Turkish Republic of Northern Cyprus", in a 10 September letter transmitted by Turkey on 9 October [A/56/461-S/2001/959], informed the Secretary-General that he had declined to attend the proposed New York talks because he considered them premature. He reiterated that the Greek Cypriot's rejection of the Secretary-General's 12 September 2000 statement [SG/SM/7546], setting out his understanding of the status of the parties to the negotiations, had left no common ground for engaging in meaningful talks. The treatment of the Greek Cypriot side by all concerned as the legitimate Government of Cyprus and frequent statements to the effect that, "agreement or not", Cyprus would be accepted as an EU member, left no will or wish on the part of the Greek Cypriot leadership to share anything with the Turkish Cypriot side. Those develop-

ments had undermined the chances of success of the Secretary-General's mission of good offices. While convinced of the imperative to prepare the ground for meaningful negotiations, Mr. Denktas needed proof that the ground was really prepared so that the parties would not engage in yet another futile exercise. For those reasons, he was insisting on "common ground" with respect to the objective (the establishment of a new partnership) and guiding principles (the equal status of the parties and that neither could represent the other or the whole of Cyprus) before starting a new phase of reinvigorated and meaningful negotiations. Thus, securing a commitment from the two parties that the purpose of the UN-facilitated talks was the establishment of a new partnership based on the equal status of both would prepare the ground for the proposed reinvigorated phase of the talks.

The EU, in a 23 October statement on Cyprus [S/2001/1017], supported the Council President's 26 September statement (see p. 391), in particular the disappointment expressed at the Turkish side's refusal to take part in the 12 September meeting. It backed the Secretary-General's efforts to resume, without preconditions, the search for a comprehensive and lasting settlement and called on all parties involved to cooperate in the process for achieving a political settlement before the end of negotiations for the accession of Cyprus to the EU.

#### *Agreement on direct talks*

Turkey, on 14 November [A/56/622-S/2001/1077], transmitted a 12 November letter from Mr. Denktas, enclosing a paper entitled "Objectives and basic parameters of a Cyprus settlement", which formed the basis of his position during the 28 August meeting with the Secretary-General (see p. 391). According to Mr. Denktas, those parameters were in line with the ideas and principles that had emerged from the Secretary-General's good offices mission and reflected the realities of the island, as well as the objective of establishing a new partnership between the two parties.

The Secretary-General reported in November [S/2001/1122] that, following a proposal made directly to Mr. Clerides by Mr. Denktas for a face-to-face meeting without preconditions on the island, the two agreed through an exchange of letters to meet on 4 December in the United Nations Protected Area, in the presence of the Special Adviser.

On 10 December [S/2001/1162], the Secretary-General informed the Security Council that, at the 4 December meeting, the two leaders agreed that: the Secretary-General, in the exercise of his good offices mission, would invite them to direct

talks to be held in Cyprus in mid-January 2002 on UN premises, with no preconditions; all issues would be on the table; negotiations would continue in good faith until a comprehensive settlement was achieved; and nothing would be agreed until everything was agreed. In transmitting the agreement to the Council, the Secretary-General indicated that the talks would begin on 16 January 2002.

The Council, in a 12 December press statement by its President [SC/7237], welcomed the agreement reached by the two leaders to begin direct talks and other positive developments and hoped that progress would be achieved resulting in a comprehensive settlement. The Council gave its full support to the Secretary-General's mission of good offices and encouraged him and his Special Adviser to continue to be of assistance to the parties.

#### *Continuation of good offices mission*

The Secretary-General, on 31 May [S/2001/556], drew the Security Council's attention to the fact that efforts related to his mission of good offices in Cyprus would continue at least throughout 2001. In furtherance of that mission, his Special Adviser would continue to be assisted by a small team. He asked the Council President to alert Council members to the importance of continuing support for his efforts in discharging his mission. The Council took note of the Secretary-General's letter on 5 June [S/2001/557].

The Secretary-General, on 5 December [S/2001/1182], informed the Council that the efforts relating to his mission would continue at least throughout 2002, which the Council took note of on 12 December [S/2001/1183].

### **UNFICYP**

The United Nations Peacekeeping Force in Cyprus, established by Security Council resolution 186(1964) [YUN 1964, p. 165], continued in 2001 to monitor the ceasefire lines between the Turkish and Turkish Cypriot forces on the northern side and the Cypriot National Guard on the southern side of the island; to maintain the military status quo and prevent a recurrence of fighting; and to undertake humanitarian and economic activities. In the absence of a formal ceasefire agreement, the military status quo, as recorded by UNFICYP in 1974, remained the standard by which the Force judged whether changes constituted violations of the status quo.

UNFICYP, under the overall authority of the Acting Special Representative and Chief of Mission, Zbigniew Wlosowicz, continued to keep the area between the ceasefire lines, known as the

buffer zone, under constant surveillance through a system of observation posts, and through air, vehicle and foot patrols.

During 2001, Alvaro de Soto continued as the Secretary-General's Special Adviser on Cyprus. On 6 December [S/2001/1184], the Secretary-General informed the Council of his intention to appoint Major General Jin Ha Hwang (Republic of Korea) as Force Commander, to succeed Major General Victory Rana (Nepal), whose tour of duty would end on 15 December. The Council noted that intended appointment on 12 December [S/2001/1185].

As at 31 December, UNFICYP, under the command of Major General Jin Ha Hwang, comprised 1,196 troops and 35 civilian police.

### Activities

**Report of Secretary-General (May).** The Secretary-General, in his report covering developments and UNFICYP activities from 28 November 2000 to 29 May 2001 [S/2001/534], said that, except for a few minor incidents, the situation along the ceasefire line remained calm. Air violations in the UN buffer zone had decreased from 47 during the last reporting period [YUN 2000, p. 404] to 33. Since December 2000, the National Guard had developed two major defensive works on its ceasefire line just outside the UN buffer zone near Pyla. In response, the Turkish forces constructed two berms and dug 120 metres of a new trench between existing positions at a Turkish forces post. Despite repeated UNFICYP demands, the Turkish forces had refused to return that post to the status quo ante and had recently added a barbed wire fence to the north of that position. Reinforced concrete firing positions were also being installed along much of the National Guard ceasefire line.

Crossings of the maritime security lines (the seaward extensions of the median line of the buffer zone) continued as well. Restrictions imposed on UNFICYP by Turkish Cypriot authorities and Turkish forces in 2000 [ibid.] remained in force, including violation of the military status quo by the Turkish forces/Turkish Cypriot security forces in the village of Strovilia. Restrictions imposed along the Famagusta-Dherinia road continued to prevent UNFICYP from monitoring the whole of the fenced area of Varosha, limiting UNFICYP's observation to areas visible from static observation posts and from a short patrol route well away from the fence. Within Varosha, Turkish forces continued renovations of some buildings and flew flags on one of them in violation of the military status quo. Some tension developed in April in the mixed village of Pyla in the buffer zone as a result of the raising of Turkish and

Turkish Cypriot flags in several locations, in violation of the agreement reached among the two communities in the village and UNFICYP.

UNFICYP assisted civilian activities in the buffer zone, by, for example, facilitating work to improve the water supply to the north and escorting farmers working on their land. In April, it also facilitated a visit by some 250 Greek Cypriots to a church in the buffer zone near Varisha, north-west of Lefka, to mark Saint George's Day. UNDP, through the United Nations Office for Project Services (UNOPS), continued to implement its programme to promote good will by encouraging Greek and Turkish Cypriots to work together in preparing and implementing projects of mutual concern, notably in public health, environment, sanitation, water, urban renovation, preservation of cultural heritage, natural resources and education.

The Secretary-General remarked that the conditions under which UNFICYP operated remained difficult owing to the restrictions imposed on it by the Turkish Cypriot authorities and Turkish forces. He considered the presence of UNFICYP essential for the maintenance of the ceasefire on the island and recommended that the Council extend its mandate for a further six months, until 15 December 2001.

**Communications.** In letters to the Secretary-General between February and June, the Government of Cyprus, representatives of the "Turkish Republic of Northern Cyprus" and Turkey continued to debate the legal necessity for approval by both sides of the extension of UNFICYP's mandate [A/55/784-S/2001/136, A/55/866-S/2001/307, A/55/949-S/2001/507, A/55/970-S/2001/541, A/55/1003-S/2001/644].

### SECURITY COUNCIL ACTION

On 15 June [meeting 4328], the Security Council unanimously adopted **resolution 1354(2001)**. The draft [S/2001/581] was prepared in consultations among Council members.

#### *The Security Council,*

*Welcoming* the report of the Secretary-General of 30 May 2001 on the United Nations operation in Cyprus, in particular the call to the parties to assess and address the humanitarian issue of missing persons with due urgency and seriousness,

*Noting* that the Government of Cyprus has agreed that in view of the prevailing conditions in the island it is necessary to keep the United Nations Peacekeeping Force in Cyprus beyond 15 June 2001,

*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 resolutions 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 2001;

3. *Requests* the Secretary-General to submit a report, by 1 December 2001, on the implementation of the present resolution;

4. *Urges* the Turkish Cypriot side and Turkish forces to rescind the restrictions imposed on 30 June 2000 on the operations of the United Nations Peacekeeping Force in Cyprus, and to restore the military status quo ante at Strovilia;

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

**Report of Secretary-General (November).** In November [S/2001/1122], the Secretary-General reported fewer incidents along the ceasefire lines. However, the restrictions imposed on UNFICYP operations continued, including the violation of the military status quo in Strovilia. Patrols to Varosha, which were prevented under those restrictions, resumed in September but under escort by Turkish Cypriot security forces. The number of air violations remained about the same, and crossings of the maritime security lines totalled about 250 crossings by Turkish forces of the western line and some 3,000 in the east near Famagusta from the south. Incursions in the buffer zone by Greek Cypriot hunters increased significantly in November with the beginning of the winter hunting season.

The National Guard continued to develop and strengthen the two defensive positions (see p. 393) just outside the buffer zone south of Pyla, reportedly to compensate for the minefield linking the two positions, which was being demined. The Turkish forces, for their part, reinforced their observation post adjacent to Pyla.

UNFICYP helped to facilitate monthly meetings of political party representatives from both sides, media gatherings, music rehearsals and a business forum at Ledra Palace. It continued its humanitarian support to 427 Greek Cypriots and 165 Maronites in the northern part of the island and those Turkish Cypriots in the southern part who had made themselves known to UNFICYP. It also facilitated the rotation of teachers at the Greek elementary school in Rizokarpaso in the Karpas peninsula. UNFICYP support of civilian activities in the buffer zone continued, including farming, liaison with local representatives to solve water problems, coordinating maintenance work on utilities, extending the Klimos river wall in Sector 2 to prevent flooding and reconstruction of a 73-bed hospital in Paralimni in Sector 4. UNFICYP also designated land in the buffer zone west of Nicosia for civilian use, mainly for housing. In Pyla, it brokered an agreement between

Greek and Turkish Cypriot village leaders on road safety measures.

Efforts continued in overcoming obstacles to enable the Committee on Missing Persons to resume its activities, including specific proposals by the leaders of both sides concerning the Committee's work. Meanwhile, the Government of Cyprus continued to implement its unilateral programme of exhumation and identification of human remains.

The Secretary-General recommended that the Council extend the UNFICYP mandate for a further six months, until 15 June 2002.

#### SECURITY COUNCIL ACTION

On 14 December [meeting 4436], the Security Council unanimously adopted **resolution 1384 (2001)**. The draft [S/2001/1190] was prepared in consultations among Council members.

#### *The Security Council,*

*Welcoming* the report of the Secretary-General of 30 November 2001 on the United Nations operation in Cyprus, in particular the call to the parties to assess and address the humanitarian issue of missing persons with due urgency and seriousness,

*Noting* that the Government of Cyprus has agreed that in view of the prevailing conditions in the island it is necessary to keep the United Nations Peacekeeping Force in Cyprus beyond 15 December 2001,

*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 on 15 June 2002;

3. *Requests* the Secretary-General to submit a report, by 1 June 2002, on the implementation of the present resolution;

4. *Urges* the Turkish Cypriot side and Turkish forces to rescind the restrictions imposed on 30 June 2000 on the operations of the United Nations Peacekeeping Force in Cyprus, and to restore the military status quo ante at Strovilia;

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

#### Financing

On 14 June [meeting 103], the General Assembly, having considered the Secretary-General's report on UNFICYP's financial performance for the period 1 July 1999 to 30 June 2000 [A/55/739], the proposed budget for UNFICYP's maintenance for the period 1 July 2001 to 30 June 2002 [A/55/788] and ACABQ's comments and recommendations thereon [A/55/874/Add.3], adopted, on the recommendation of the Fifth Committee [A/55/969], **resolution 55/266** without vote [agenda item 143].

### Financing of the United Nations Peacekeeping Force in Cyprus

*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, by which the Council established the United Nations Peacekeeping Force in Cyprus, and the subsequent resolutions by which the Council extended the mandate of the Force, the latest of which was resolution 1331(2000) of 13 December 2000,

*Recalling also* its resolution 54/270 of 15 June 2000 on the financing of the Force,

*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 status of contributions to the United Nations Peacekeeping Force in Cyprus as of 30 April 2001, including the contributions outstanding in the amount of 20.3 million United States dollars, representing some 10.7 per cent of the total assessed contributions from 16 June 1993 to the period ending 15 June 2001, notes that some 15.3 per cent of the Member States have paid their assessed contributions in full, and urges all other Member States concerned, in particular those in arrears, to ensure payment of their outstanding assessed contributions;

2. *Expresses concern* about 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;

3. *Expresses its appreciation* to those Member States which have paid their assessed contributions in full;

4. *Urges* all other Member States to make every possible effort to ensure payment of their assessed contributions to the Force in full and on time;

5. *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 effec-

tive 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 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 take all necessary action to ensure that the Force is administered with a maximum of efficiency and economy;

11. *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 Force against General Service posts, commensurate with the requirements of the Force;

12. *Decides* to appropriate to the Special Account for the United Nations Peacekeeping Force in Cyprus the amount of 42,389,220 dollars gross (40,697,146 dollars net) for the maintenance of the Force for the period from 1 July 2001 to 30 June 2002, inclusive of the amount of 1,240,621 dollars gross (1,088,767 dollars net) for the support account for peacekeeping operations and the amount of 129,599 dollars gross (116,379 dollars net) for the United Nations Logistics Base, a one-third share of this amount, equivalent to 13,565,715 dollars, to be funded through voluntary contributions from the Government of Cyprus, and an amount of 6.5 million dollars from the Government of Greece, subject to the review by the Security Council with regard to the question of termination or continuation of the Force;

13. *Decides also*, taking into consideration the funding through voluntary contributions from the Government of Cyprus of a one-third share of the cost of the Force, equivalent to 13,565,715 dollars, and of 6.5 million dollars from the Government of Greece, to apportion among Member States the amount of 22,323,505 dollars gross (20,631,431 dollars net), the said amount to be apportioned at a monthly rate of 1,860,292 dollars gross (1,719,286 dollars net) in accordance with the levels set out in General Assembly resolution 55/235, as adjusted by the Assembly in its resolution 55/236 of 23 December 2000, and taking into account the scale of assessments for the years 2001 and 2002, as set out in its resolution 55/5 B of 23 December 2000, subject to the review by the Security Council with regard to the question of termination or continuation of the Force;

14. *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 13 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 1,692,074 dollars approved for the Force for the period from 1 July 2001 to 30 June 2002;

15. *Decides* that, taking into consideration the funding through voluntary contributions from the Government of Cyprus of a one-third share of the cost of the Force, equivalent to 14,630,809 dollars, and of 6.5 million dollars from the Government of Greece, for Member States that have fulfilled their financial obligations

to the Force, there shall be set off against the apportionment, as provided for in paragraph 13 above, their respective share of the amount of 280,800 dollars gross (261,400 dollars net) of the unencumbered balance of 523,400 dollars gross (504,000 dollars net) in respect of the period ending 30 June 2000, in accordance with the compositions of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its subsequent relevant resolutions and decisions for the ad hoc apportionment of peacekeeping appropriations, the latest of which were resolution 52/230 of 31 March 1998 and decisions 54/456 to 54/458 of 23 December 1999 for the period 1998-2000, and taking into account the scale of assessments for the year 2000, as set out in its resolutions 52/215 A of 22 December 1997 and 54/237 A of 23 December 1999;

16. *Decides also* that, for Member States that have not fulfilled their financial obligations to the Force, their share of the unencumbered balance of 280,800 dollars gross (261,400 dollars net) in respect of the period ending 30 June 2000 shall be set off against their outstanding obligations in accordance with the scheme set out in paragraph 15 above;

17. *Decides further* that 168,000 dollars shall be returned to the Government of Cyprus and 74,600 dollars shall be returned to the Government of Greece;

18. *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;

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

20. *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;

21. *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 procedures and practices established by the General Assembly;

22. *Decides* to include in the provisional agenda of its fifty-sixth session the item entitled "Financing of the United Nations Peacekeeping Force in Cyprus".

On 24 December, the Assembly decided that the item on UNFICYP's financing would remain for consideration at its resumed fifty-sixth (2002) session (**decision 56/464**) and that the Fifth Committee would continue consideration of the item at that session (**decision 56/458**).

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## Other issues

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### Cooperation with OSCE

In response to General Assembly resolution 55/179 [YUN 2000, p. 408], the Secretary-General

submitted a June report [A/56/125] describing cooperation between the United Nations and the Organization for Security and Cooperation in Europe (OSCE).

During the year, a number of meetings took place between the United Nations and OSCE, including attendance by the OSCE Secretary-General at the fourth high-level meeting with heads of regional organizations in February on "Cooperation for peace-building" (see p. 56) and participation in the annual high-level tripartite meeting of the United Nations, OSCE and the Council of Europe (Vienna, February) on the subject of good governance.

The United Nations and OSCE continued to practise a division of labour based on their comparative advantages: the United Nations retained the lead in Abkhazia, Georgia, and in Tajikistan; OSCE had the lead in the Republic of Moldova, South Ossetia, Georgia, and in the resolution of the conflict in and around the Nagorny-Karabakh region of Azerbaijan. Specific efforts were also made to improve consultation and cooperation in the field and between the respective headquarters, resulting in enhanced coordination aimed at making better use of international resources in the interests of the countries being assisted. The report listed specific cooperation activities by UN departments and programmes.

#### GENERAL ASSEMBLY ACTION

On 21 December [meeting 91], the General Assembly adopted **resolution 56/216** [draft: A/56/L.66 & Add.1] by recorded vote (123-0-4) [agenda item 21 (i)].

#### Cooperation between the United Nations and the Organization for Security and Cooperation in Europe

*The General Assembly,*

*Recalling* the framework for cooperation and coordination between the United Nations and the Conference on Security and Cooperation in Europe, which was signed on 26 May 1993, as well as its resolutions on cooperation between the two organizations,

*Recalling also* the principles embodied in the Helsinki Final Act and in the declaration at the 1992 Helsinki Summit by the heads of State or Government of the participating States of the Conference on Security and Cooperation in Europe of their understanding that the Conference is a regional arrangement in the sense of Chapter VIII of the Charter of the United Nations and as such provides an important link between European and global security,

*Acknowledging* the increasing contribution of the Organization for Security and Cooperation in Europe to the establishment and maintenance of international peace and security in its region through activities in early warning and preventive diplomacy, including through the activities of the High Commissioner on

National Minorities, crisis management and post-conflict rehabilitation, as well as arms control and disarmament,

*Recalling* the Charter for European Security adopted at the Summit in Istanbul, Turkey, in November 1999, which reaffirms the Organization for Security and Cooperation in Europe as a primary organization for the peaceful settlement of disputes within its region and as a key instrument for early warning, conflict prevention, crisis management and post-conflict rehabilitation,

*Recalling also* the special ties between the Organization for Security and Cooperation in Europe and the Mediterranean Partners for Cooperation, as well as between that organization and the Asian Partners for Cooperation, Japan, the Republic of Korea and Thailand, which have been enhanced further in 2001,

*Underlining* the continued importance of enhanced cooperation and coordination between the United Nations and the Organization for Security and Cooperation in Europe,

1. *Welcomes* the report of the Secretary-General;

2. *Notes with appreciation* the further improvement of cooperation and coordination between the United Nations and its agencies and the Organization for Security and Cooperation in Europe, including at the level of activities in the field;

3. *Welcomes*, in this context, the meetings of the Secretary-General of the United Nations with the Chairman-in-Office and the Secretary-General of the Organization for Security and Cooperation in Europe, the participation of the Chairman-in-Office at a meeting of the Security Council in January 2001, the participation of the Director-General of the United Nations Office at Geneva in a meeting of the Ministerial Council of the Organization for Security and Cooperation in Europe, which was held in Bucharest on 3 and 4 December 2001, and the participation of high-level United Nations representatives in meetings of the Organization for Security and Cooperation in Europe;

4. *Encourages* further efforts of the Organization for Security and Cooperation in Europe to foster security and stability in its region through early warning, conflict prevention, crisis management and post-conflict rehabilitation, as well as through continued promotion of democracy, the rule of law, human rights and fundamental freedoms;

5. *Welcomes* the documents of the meeting of the Ministerial Council in Bucharest confirming the determination of the participating States of the Organization for Security and Cooperation in Europe to strengthen and deepen their cooperation with a view to protecting their citizens from new challenges to their security while safeguarding the rule of law, individual liberties and the right to equal justice under the law;

6. *Commends* the adoption of the decision and Action Plan on Terrorism, whereby participating States pledged to reinforce and develop bilateral and multilateral cooperation among themselves, with the United Nations and with other international and regional organizations in order to combat terrorism in all its forms and manifestations, wherever and by whomever committed, to contribute to the fulfilment of international obligations as enshrined, inter alia, in Security Council resolution 1373(2001) of 28 September 2001, to act in conformity with the purposes and principles of the

Charter of the United Nations, and to become parties to all twelve United Nations conventions and protocols related to terrorism as soon as possible;

7. *Notes* the review of the structures of the Organization for Security and Cooperation in Europe, undertaken at the initiative of the Romanian Chairmanship, with the goal of strengthening its efficiency, and the adoption of decisions to foster its role as a forum for political dialogue on issues of security and cooperation in Europe which promotes a more effective use of the means and mechanisms of the Organization for Security and Cooperation in Europe to counter threats and challenges to security and stability in its region;

8. *Welcomes* the decisions to strengthen cooperation in the economic and environmental sphere and to enhance the role of the Organization for Security and Cooperation in Europe in police-related activities;

9. *Also welcomes* the documents of the Ministerial Council meeting in Bucharest on enhancing the effectiveness of the human dimension meetings of the Organization for Security and Cooperation in Europe, promoting tolerance and non-discrimination, combating trafficking in human beings, improving the situation of Roma and Sinti, and on promoting equal opportunities for women and men and the continued close cooperation between the Organization for Security and Cooperation in Europe, the Office of the United Nations High Commissioner for Refugees and the Office of the United Nations High Commissioner for Human Rights;

10. *Notes with appreciation* the active involvement of the Organization for Security and Cooperation in Europe in Albania, Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and the former Yugoslav Republic of Macedonia and its commitment to continue to contribute substantially to conflict prevention, crisis management, and post-conflict stabilization in the region, thereby fostering peace and stability in the area;

11. *Welcomes* the establishment and the work of the Mission of the Organization for Security and Cooperation in Europe to the Federal Republic of Yugoslavia to assist further progress in the consolidation of democracy, the strengthening of the rule of law and respect for human rights and fundamental freedoms, including the rights of persons belonging to national minorities;

12. *Expresses its appreciation* for the contribution by the Organization for Security and Cooperation in Europe to implementing Security Council resolution 1244(1999) of 10 June 1999, in particular for its substantial role in the preparation and organization of the Kosovo-wide election on 17 November 2001, in view of the consolidation of stability and prosperity in Kosovo, Federal Republic of Yugoslavia, on the basis of substantial autonomy, respecting the sovereignty and territorial integrity of the Federal Republic of Yugoslavia, pending a final settlement, in accordance with resolution 1244(1999);

13. *Salutes* the commitment of participating States of the Organization for Security and Cooperation in Europe to the sovereignty, territorial integrity and unitary character of the former Yugoslav Republic of Macedonia and their offer to assist and support strongly the full and timely implementation of the Framework Agreement concluded on 13 August 2001,

including the programmes on police training and reform, media and inter-ethnic relations;

14. *Supports* the priorities of the work of the Organization for Security and Cooperation in Europe for the continuous development of civil society and for increasing local ownership of the reform process in Bosnia and Herzegovina;

15. *Commends* the efforts to improve the coordination and efficiency of international engagement in the field of civilian implementation of the Dayton/Paris peace accords, as well as a timely decision on the best options for the succession of the United Nations International Police Task Force to allow for a smooth and comprehensive transition;

16. *Underlines* the importance of regional cooperation as a means of fostering good-neighbourly relations, stability and economic development, welcomes the implementation of the Stability Pact for South-Eastern Europe under the auspices of the Organization for Security and Cooperation in Europe as an important long-term and comprehensive initiative to promote good-neighbourly relations, stability and economic development, and also welcomes the commitment of participating States of the Organization for Security and Cooperation in Europe to contribute further to the goals of the Stability Pact;

17. *Notes* the efforts undertaken in 2001 by the Republic of Moldova and the mediators of the Organization for Security and Cooperation in Europe, the Russian Federation and Ukraine towards negotiation for a comprehensive political settlement of the Transdniestrian issue, based on full respect of the sovereignty and territorial integrity of the Republic of Moldova, welcomes the fulfilment by the Russian Federation, ahead of the agreed time, of the commitments undertaken at the summit of the Organization for Security and Cooperation in Europe held in Istanbul, Turkey, in 1999 on the withdrawal and disposal of the equipment limited by the Treaty on Conventional Armed Forces in Europe located in the Transdniestrian region of the Republic of Moldova by the end of 2001, and encourages the timely fulfilment of other commitments concerning the Republic of Moldova undertaken by the participating States of the Organization for Security and Cooperation in Europe in Istanbul in 1999;

18. *Welcomes* the developments in the peace process in the Tshkhinvali region/South Ossetia, Georgia, and the steps to reduce the quantities of small arms and light weapons in that region, as well as the progress made in 2001 towards meeting the commitments made in Istanbul on the future of Russian forces in Georgia, including the closure of the Russian base at Vaziani and the withdrawal of the equipment from the Russian base at Gudauta, encourages the implementation of the other Istanbul commitments, and with regard to Abkhazia, Georgia, calls for the resumption of a constructive dialogue aimed at achieving a comprehensive settlement, including a definition of the political status of Abkhazia as a sovereign entity within the State of Georgia;

19. *Acknowledges* the significant contribution to stability and confidence in the region made by the border monitoring operation of the Organization for Security and Cooperation in Europe along the border between Georgia and the Chechen Republic of the Russian Federation;

20. *Notes with satisfaction* the engagement of the Organization for Security and Cooperation in Europe towards cooperation with the five participating States of Central Asia, which has continued to grow in all dimensions, thus contributing to stability and prosperity in the region, as well as the commitment of the Organization for Security and Cooperation in Europe to assist in addressing specific threats to stability and security for the Central Asian participating States, and appreciates the valuable contribution of the Bishkek International Conference on enhancing security and stability in Central Asia, held on 13 and 14 December 2001, to addressing those problems, which are shared concerns among the participating States of the Organization for Security and Cooperation in Europe;

21. *Fully supports* the activities of the Organization for Security and Cooperation in Europe to achieve a peaceful solution to the conflict in and around the Nagorny-Karabakh region of the Republic of Azerbaijan, and welcomes cooperation between the United Nations and the Organization for Security and Cooperation in Europe in this regard;

22. *Expresses deep concern* at the failure to achieve a settlement of the Nagorny-Karabakh conflict despite the intensified dialogue between the parties and the active support of the Co-Chairmen of the Minsk Group of the Organization for Security and Cooperation in Europe, reaffirms that the prompt resolution of that protracted conflict will contribute to lasting peace, security, stability and cooperation in the South Caucasus region, reiterates the importance of continuing the peace dialogue, calls upon the sides to continue their efforts to achieve an early resolution of the conflict based on the norms and principles of international law, encourages the parties to explore further measures that would enhance mutual confidence and trust, including the release of prisoners of war, welcomes the commitment of the parties to the ceasefire and to achieving a peaceful and comprehensive settlement, and encourages the parties to continue their efforts, with the active support of the Co-Chairmen, to reach a just and enduring settlement;

23. *Decides* to include in the provisional agenda of its fifty-seventh session the item entitled "Cooperation between the United Nations and the Organization for Security and Cooperation in Europe", and requests the Secretary-General to submit to the General Assembly at its fifty-seventh session a report on cooperation between the United Nations and the Organization for Security and Cooperation in Europe in implementation of the present resolution.

RECORDED VOTE ON RESOLUTION 56/216:

*In favour:* Albania, Algeria, Andorra, Argentina, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belgium, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Hungary, Iceland, India, Indonesia, Iran, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malaysia, Maldives, Malta, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, San Marino, Saudi Arabia, Senegal, Singapore, Slovakia, Slovenia, Spain, Sri Lanka, Sudan, Suriname, Sweden, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Uganda, Ukraine,

United Kingdom, United States, Uruguay, Venezuela, Yemen, Yugoslavia, Zambia.

*Against:* None.

*Abstaining:* Armenia, Belarus, South Africa, United Republic of Tanzania.

Before the adoption of the resolution, a recorded vote (34-1-85) was taken on an amendment adding paragraph 21, introduced by Azerbaijan [A/56/L.67], stating specifically that Nagorny Karabakh was a region of Azerbaijan.

### Cooperation with the Council of Europe

In response to resolution 55/3 [YUN 2000, p. 410], the Secretary-General submitted an August report on cooperation between the United Nations and the Council of Europe [A/56/302].

The Secretary-General reported that cooperation continued through direct contact between the secretariats of the two organizations, the Council's observer status in the General Assembly and the cooperation agreements between the Council and various UN specialized agencies and bodies, and meetings of the Secretaries-General of the two organizations. He highlighted specific cooperation activities between the Council and UN programmes and the Secretariat.

The Secretary-General observed that both organizations continued to have shared interests that lent themselves to cooperation in such areas as conflict prevention, post-conflict peace-building and confidence-building measures for increasing tolerance and understanding between people belonging to different ethnic groups, especially those within countries in crisis. He recommended that such cooperation be reported to the Assembly every other year, the next report to be submitted to its fifty-eighth (2003) session, and that the item be included in that session's provisional agenda.

#### GENERAL ASSEMBLY ACTION

On 7 December [meeting 80], the General Assembly adopted **resolution 56/43** [draft: A/56/L.31 & Add.1] without vote [agenda item 21 (c)].

#### Cooperation between the United Nations and the Council of Europe

*The General Assembly,*

*Recalling* the Agreement between the Council of Europe and the Secretariat of the United Nations signed on 15 December 1951 and the Arrangement on Cooperation and Liaison between the secretariats of the United Nations and the Council of Europe of 19 November 1971,

*Acknowledging* the contribution of the Council of Europe to the protection and strengthening of democracy, human rights and fundamental freedoms and the rule of law on the European continent, including its activities against racism and intolerance, the promotion

of gender equality, social development and a common cultural heritage,

*Acknowledging also* that, with its significant expertise in the field of human rights, democratic institutions and the rule of law, the Council of Europe is contributing to conflict prevention, confidence-building and long-term post-conflict peace-building through political, legal and institutional reform,

*Stressing* the importance of adherence to the standards and principles of the Council of Europe and its contribution to the solution of conflicts throughout the whole of Europe,

*Acknowledging* the contribution of the Council of Europe to the development of international law, inter alia, international criminal law,

*Noting* the increasing openness of the Council of Europe, through its legal instruments, to the participation of States of other regions,

1. *Welcomes* the report of the Secretary-General;
2. *Notes with appreciation* the further improvement of cooperation and coordination between the United Nations and its agencies and the Council of Europe, both at the level of headquarters and in the field;
3. *Welcomes* the increasingly close cooperation between the Council of Europe, the Office of the United Nations High Commissioner for Human Rights and the Office of the United Nations High Commissioner for Refugees;
4. *Welcomes also* the efforts of the Council of Europe to assist States in the ratification and implementation of the Rome Statute of the International Criminal Court, in particular the most recent meeting, held in Strasbourg, France, on 13 and 14 September 2001;
5. *Expresses its appreciation* to the Council of Europe for its contribution to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001;
6. *Welcomes* the contribution of the Council of Europe to the preparations for the special session of the General Assembly on children, to be held in 2002;
7. *Commends strongly* the contribution of the Council of Europe to international action against terrorism, as defined by the Committee of Ministers of the Council in the conclusions of its session of 7 and 8 November 2001 in Strasbourg, taking into account Security Council resolutions 1368(2001) of 12 September 2001 and 1373(2001) of 28 September 2001, including the intensification of legal cooperation to combat terrorism;

8. *Welcomes* the participation of the Council of Europe in the implementation of Security Council resolution 1244(1999) of 10 June 1999, in its cooperation with the United Nations Interim Administration Mission in Kosovo, notably with regard to the reform of the judiciary, the promotion and protection of human rights, including the rights of minorities, property rights, population registration, childhood and youth programmes, education policies and the protection and restoration of cultural heritage;

9. *Commends* the role of the Council of Europe in the capacity-building programme of the United Nations Interim Administration Mission in Kosovo, especially with regard to the electoral process in preparation for the Kosovo Assembly elections on 17 November 2001;

10. *Welcomes* the activities of the Council of Europe aimed at fulfilling the role assigned to it, under the General Framework Agreement for Peace in Bosnia and Herzegovina, with regard to the protection and promotion of human rights, and judicial and prison reform;

11. *Welcomes also* the major contribution of the Council of Europe to the Stability Pact for South-Eastern Europe, launched at the initiative of the European Union, and to the development of regional projects to support its aims;

12. *Welcomes further* the active role of the Council of Europe in the tripartite meetings between the United Nations, the Organization for Security and Cooperation in Europe and the Council of Europe;

13. *Requests* the Secretary-General to continue exploring, with the Chairman of the Committee of Ministers and the Secretary-General of the Council of Europe, possibilities for further enhancement of cooperation, information exchange and coordination between the United Nations and the Council of Europe;

14. *Decides* to include in the provisional agenda of its fifty-seventh session the sub-item entitled "Cooperation between the United Nations and the Council of Europe", and requests the Secretary-General to submit to the General Assembly at its fifty-seventh session a report on cooperation between the United Nations and the Council of Europe in implementation of the present resolution.

### **Strengthening of security and cooperation in the Mediterranean**

In response to General Assembly resolution 55/38 [YUN 2000, p. 411], the Secretary-General submitted in July [A/56/153] replies received from Algeria, Mexico and Sweden, on behalf of the EU, to his note verbale requesting their views on ways to strengthen security and cooperation in the Mediterranean region.

#### **GENERAL ASSEMBLY ACTION**

On 29 November [meeting 68], the General Assembly, on the recommendation of the First (Disarmament and International Security) Committee [A/56/541], adopted **resolution 56/29** without vote [agenda item 79].

#### **Strengthening of security and cooperation in the Mediterranean region**

*The General Assembly,*

*Recalling* its previous resolutions on the subject, including resolution 55/38 of 20 November 2000,

*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 turning the Mediterranean basin into an area of dialogue, exchanges and cooperation, guaranteeing peace, stability and prosperity, and encourages them to strengthen such efforts through, inter alia, a lasting multilateral and action-oriented cooperative dialogue among States of the region;

4. *Recognizes* that the elimination of the economic and social disparities in levels of development and other obstacles, as well as respect and greater under-

standing 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 fifty-seventh session the item entitled "Strengthening of security and cooperation in the Mediterranean region".

### Stability and development in South-Eastern Europe

On 23 February [A/55/809-S/2001/172], the former Yugoslav Republic of Macedonia (FYROM) submitted to the Secretary-General the text of the Summit Declaration of the Heads of State and Government of South-East European Countries at their fourth meeting (Skopje, 23 February) and the Action Plan for Regional Economic Cooperation.

On 10 October [A/56/466], Bulgaria transmitted the Declaration of Solidarity adopted by the heads of State of Albania, Bulgaria, Croatia, Estonia, Latvia, Lithuania, Romania, Slovakia, Slovenia and FYROM during the Summit meeting of NATO candidate countries (Sofia, 5 October).

#### GENERAL ASSEMBLY ACTION

On 29 November [meeting 68], the General Assembly, on the recommendation of the First Committee [A/56/530], adopted **resolution 56/18** without vote [agenda item 68].

### Maintenance of international security—good-neighbourliness, stability and development in South-Eastern Europe

*The General Assembly,*

*Recalling* the purposes and principles of the Charter of the United Nations and the Final Act of the Conference on Security and Cooperation in Europe, signed at Helsinki on 1 August 1975,

*Recalling also* the United Nations Millennium Declaration,

*Recalling further* its resolutions 48/84 B of 16 December 1993, 50/80 B of 12 December 1995, 51/55 of 10 December 1996, 52/48 of 9 December 1997, 53/71 of 4 December 1998, 54/62 of 1 December 1999 and 55/27 of 20 November 2000,

*Convinced* of the necessity of enhancing the overall conflict prevention and resolution capability of the United Nations system and other relevant regional organizations to prevent the outbreak of conflicts,

*Emphasizing* the crucial importance of the full implementation of Security Council resolution 1244(1999) of 10 June 1999 on Kosovo, Federal Republic of Yugoslavia, and stressing, inter alia, the role and responsibility of the United Nations Interim Administration Mission in Kosovo, supported by the Organization for Security and Cooperation in Europe and the European Union, and of the Kosovo Force in that regard, as well as the importance of the implementation of Security Council resolutions 1345(2001) of 21 March 2001 and 1371(2001) of 26 September 2001,

*Commending* the significant progress made by the people and the authorities of the Federal Republic of Yugoslavia towards establishing democracy and the important steps taken to cooperate with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991,

*Recalling* the Stability Pact for South-Eastern Europe, and stressing the importance of the implementation of its objectives, with emphasis on regional cooperation,

*Noting* the importance of the activities of international organizations, such as the European Union, the Organization for Security and Cooperation in Europe and the Council of Europe, as well as the contribution of the Central European Initiative and the Black Sea Economic Cooperation, for the implementation of the Stability Pact,

*Welcoming* the normalization of relations among all States of the Balkan region, and noting, in this respect, the Agreement for the delineation of the borderline between the former Yugoslav Republic of Macedonia and the Federal Republic of Yugoslavia, signed at Skopje on 23 February 2001, as well as the re-establishment of diplomatic relations between Albania and the Federal Republic of Yugoslavia,

*Welcoming also* the agreement of 29 June 2001 on succession issues among the States successors to the former Socialist Federal Republic of Yugoslavia,

*Welcoming further* the signing of stabilization and association agreements and/or European agreements between the countries of the region and the European Union and its member States,

*Reiterating* the importance of the South-East European Cooperation Process and its contribution to secu-

rity, stability and good-neighbourly relations in South-Eastern Europe, and recalling in particular the Summit Declaration and the Action Plan for Regional Economic Cooperation, adopted by the heads of State and Government of the participating and observer countries of the South-East European Cooperation Process at Skopje on 23 February 2001,

*Emphasizing* the crucial importance of strengthening regional efforts in South-Eastern Europe on arms control, demining, disarmament and confidence-building measures, and concerned that, in spite of the ongoing efforts, the illicit trade in small arms and light weapons in all its aspects persists,

*Mindful* of the importance of national and international activities of all relevant organizations aimed at the creation of peace, security, stability, democracy, cooperation and economic development and the observance of human rights and good-neighbourliness in South-Eastern Europe,

*Taking note* of the Declaration of Solidarity adopted by the heads of State participating in the Summit Meeting of the North Atlantic Treaty Organization candidate countries held at Sofia on 5 October 2001,

*Reaffirming* its determination that all nations should live together in peace with one another as good neighbours,

1. *Reaffirms* the need for full observance of the Charter of the United Nations;

2. *Calls upon* all States, the relevant international organizations and the competent organs of the United Nations to respect the principles of territorial integrity and sovereignty of all States and the inviolability of international borders, to continue to take measures in accordance with the Charter and the commitments of the Organization for Security and Cooperation in Europe and through further development of regional arrangements, as appropriate, to eliminate threats to international peace and security and to help to prevent conflicts in South-Eastern Europe, which can lead to the violent disintegration of States;

3. *Reaffirms* the urgency of consolidating South-Eastern Europe as a region of peace, security, stability, democracy, cooperation and economic development and for the promotion of good-neighbourliness and the observance of human rights, thus contributing to the maintenance of international peace and security and enhancing the prospects for sustained development and prosperity for all peoples in the region as an integral part of Europe, and recognizes the role of the United Nations, the Organization for Security and Cooperation in Europe and the European Union in promoting regional disarmament;

4. *Calls upon* all participants in the Stability Pact for South-Eastern Europe, as well as all concerned international organizations, to continue to support the efforts of the States of South-Eastern Europe towards regional stability and cooperation so as to enable them to pursue sustainable development and integration into European structures;

5. *Calls upon* all States and relevant international organizations to contribute to the full implementation of Security Council resolution 1244(1999) on Kosovo, Federal Republic of Yugoslavia, as well as Council resolutions 1345(2001) and 1371(2001);

6. *Rejects* the use of violence in pursuit of political aims, and stresses that only peaceful political solutions

can assure a stable and democratic future for South-Eastern Europe;

7. *Welcomes* the signing of the Framework Agreement at Ohrid, the former Yugoslav Republic of Macedonia, on 13 August 2001, and supports its full and timely implementation by the parties to the Agreement;

8. *Stresses* the importance of good-neighbourliness and the development of friendly relations among States, and calls upon all States to resolve their disputes with other States by peaceful means, in accordance with the Charter;

9. *Urges* the strengthening of relations among the States of South-Eastern Europe on the basis of respect for international law and agreements, in accordance with the principles of good-neighbourliness and mutual respect;

10. *Recognizes* the efforts of the international community, and welcomes in particular the assistance already provided by the European Union, other contributors and the Stability Pact for South-Eastern Europe in promoting the long-term process of democratic and economic development of the region;

11. *Stresses* that the rapprochement of the South-Eastern European States with the European Union will favourably influence the security, political and economic situation in the region, as well as good-neighbourly relations among the States;

12. *Stresses also* the importance of regional efforts aimed at preventing conflicts that endanger the maintenance of international peace and security and, in this regard, notes with satisfaction the role of the Multinational Peace Force for South-Eastern Europe;

13. *Emphasizes* the importance of continuous regional efforts and intensified dialogue in South-Eastern Europe aimed at arms control, disarmament and confidence-building measures as well as strengthening cooperation and undertaking appropriate measures at the national, subregional and regional levels to prevent and suppress acts of terrorism;

14. *Welcomes* the adoption, on 18 July 2001, of the Concluding Document of the negotiations under article V of annex I.B to the General Framework Agreement for Peace in Bosnia and Herzegovina;

15. *Recognizes* the seriousness of the problem of anti-personnel mines in some parts of South-Eastern Europe, welcomes, in this context, the efforts of the international community in support of mine action, and encourages States to join and support these efforts;

16. *Urges* all States to take effective measures against the illicit trade in small arms and light weapons in all its aspects and to help programmes and projects aimed at the collection and safe destruction of surplus stocks of small arms and light weapons, and stresses the importance of closer cooperation among States, inter alia, in crime prevention, combating terrorism, illicit trade in people, organized crime, drug trafficking and money-laundering;

17. *Calls upon* all States and the relevant international organizations to communicate to the Secretary-General their views on the subject of the present resolution;

18. *Decides* to include in the provisional agenda of its fifty-seventh session the item entitled "Maintenance of international security—good-neighbourliness, stability and development in South-Eastern Europe".