

"The situation in Bosnia and Herzegovina:

"Letter dated 5 October 1992 from the representatives of Egypt, the Islamic Republic of Iran, Pakistan, Saudi Arabia, Senegal and Turkey addressed to the President of the Security Council (S/24620);¹⁷

"Letter dated 4 November 1992 from the Permanent Representative of Bosnia and Herzegovina to the United Nations addressed to the President of the Security Council (S/24761);¹⁷

"Letter dated 9 November 1992 from the Permanent Representative of Belgium to the United Nations addressed to the President of the Security Council (S/24785);¹⁷

"Letter dated 9 November 1992 from the Permanent Representative of France to the United Nations addressed to the President of the Security Council (S/24786)".¹⁷

At the same meeting, in response to the request dated 12 November 1992 from the observer of Palestine,⁸³ the Council decided, by a vote, that an invitation should be extended to the observer of Palestine to participate in the discussion and that that invitation would confer upon it the same rights of participation as those conferred on a Member State when it was invited to participate under rule 37 of the provisional rules of procedure.

Adopted by 10 votes to 1 (United States of America), with 4 abstentions (Belgium, France, Hungary, United Kingdom of Great Britain and Northern Ireland).

At the same meeting, in accordance with the understanding reached in its prior consultations, and in accordance with the request contained in a letter dated 9 November 1992⁸⁴ from the Permanent Representative of Belgium to the United Nations addressed to the President of the Security Council, the Council also decided to extend invitations to Mr. Cyrus Vance and Lord Owen under rule 39 of its provisional rules of procedure.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation to Mrs. Sadako Ogata, United Nations High Commissioner for Refugees, under rule 39 of its provisional rules of procedure.

At the same meeting, in response to the request contained in letters dated 9 November 1992 from the Permanent Representative of Belgium to the United Nations⁸⁴ and from the Permanent Representative of France to the United Nations⁸⁵ addressed to the President of the Security Council, the Council also decided to extend an invitation to Mr. Mazowiecki, under rule 39 of its provisional rules of procedure.

At its 3135th meeting, also on 13 November 1992, the Council invited the representatives of Afghanistan, Kuwait, Lithuania, Norway, Romania, Tunisia and Ukraine to participate, without vote, in the discussion of the question.

At the same meeting, in accordance with the understanding reached in its prior consultations, the Council also decided to extend an invitation to Mr. Ilija Djukic, Minister for Foreign Affairs, at his request, to address the Council in the course of the discussion of the item.

At its 3136th meeting, on 16 November 1992, the Council invited the representatives of Greece, Malta and the United Arab Emirates to participate, without vote, in the discussion of the question.

At its 3137th meeting, also on 16 November 1992, the Council invited the representatives of Algeria and Bangladesh to participate, without vote, in the discussion of the question.

Resolution 787 (1992)
of 16 November 1992

The Security Council,

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

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

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

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

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

Recalling also the commitments entered into by the parties and others concerned within the framework of the Conference,

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

Noting the progress made so far within the framework of the Conference, including the Joint Declarations signed at Geneva on 30 September 1992⁷⁷ and 20 October 1992⁸⁶ by the Presidents of the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro); the Joint Statement made at Geneva on 19 October 1992 by the Presidents of the Republic of Bosnia and Herzegovina and the Federal Republic of Yugoslavia (Serbia and Montenegro);⁸⁷ the Joint Communi-

qué issued on 1 November 1992 at Zagreb by the Presidents of the Republic of Croatia and the Republic of Bosnia and Herzegovina;⁸⁸ the establishment of the Mixed Military Working Group in the Republic of Bosnia and Herzegovina; and the production of a draft outline constitution for the Republic of Bosnia and Herzegovina;⁸⁹

Noting with grave concern the report of the Special Rapporteur for Yugoslavia^{90,91} appointed following a special session of the Commission on Human Rights to investigate the human rights situation in the former Yugoslavia, which makes clear that massive and systematic violations of human rights and grave violations of international humanitarian law continue in the Republic of Bosnia and Herzegovina,

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

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

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

1. *Calls upon* the parties in the Republic of Bosnia and Herzegovina to consider the draft outline constitution for Bosnia and Herzegovina⁸⁹ as a basis for negotiating a political settlement of the conflict in that country and to continue negotiations for constitutional arrangements on the basis of the draft outline, under the auspices of the Co-Chairmen of the Steering Committee of the International Conference on the former Yugoslavia, these negotiations to be held in continuous and uninterrupted session;

2. *Reaffirms* that any taking of territory by force or any practice of "ethnic cleansing" is unlawful and unacceptable, and will not be permitted to affect the outcome of the negotiations on constitutional arrangements for the Republic of Bosnia and Herzegovina, and insists that all displaced persons be enabled to return in peace to their former homes;

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

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

5. *Demands* that all forms of interference from outside the Republic of Bosnia and Herzegovina, including infiltration into the country of irregular units and personnel, cease

immediately, and reaffirms its determination to take measures against all parties and others concerned which fail to fulfil the requirements of resolution 752 (1992) of 15 May 1992 and its other relevant resolutions, including the requirement that all forces, in particular elements of the Croatian Army, be withdrawn, or be subject to the authority of the Government of the Republic of Bosnia and Herzegovina, or be disbanded or disarmed;

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

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

8. *Welcomes* the establishment of the Commission of Experts provided for in paragraph 2 of its resolution 780 (1992) of 6 October 1992, and requests the Commission to pursue actively its investigations with regard to grave breaches of the Geneva Conventions of 12 August 1949⁶⁵ and other violations of international humanitarian law committed in the territory of the former Yugoslavia, in particular the practice of "ethnic cleansing";

9. *Decides*, acting under Chapter VII of the Charter of the United Nations, in order to ensure that commodities and products trans-shipped through the Federal Republic of Yugoslavia (Serbia and Montenegro) are not diverted in violation of resolution 757 (1992), to prohibit the trans-shipment of crude oil, petroleum products, coal, energy-related equipment, iron, steel, other metals, chemicals, rubber, tyres, vehicles, aircraft and motors of all types unless such trans-shipment is specifically authorized on a case-by-case basis by the Security Council Committee established by resolution 724 (1991) on Yugoslavia under its "no objection" procedure;

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

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

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

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

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

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

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

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

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

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

20. *Expresses its appreciation* for the report presented by the Co-Chairmen of the Steering Committee of the Interna-

tional Conference on the former Yugoslavia,⁹² and requests the Secretary-General to continue to keep the Security Council regularly informed of developments and of the work of the Conference;

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

Adopted at the 3137th meeting by 13 votes to none, with 2 abstentions (China, Zimbabwe).

Decisions

Following consultations held on 2 December 1992, the President made the following statement to the media on behalf of the members of the Council:⁹³

"The members of the Security Council wish to express their deep concern and outrage about the increasing number of attacks against United Nations personnel serving in various peace-keeping operations.

"A number of serious incidents affecting military and civilian personnel serving with the United Nations Angola Verification Mission II, the United Nations Transitional Authority in Cambodia and the United Nations Protection Force have occurred during the last few days.

"On 29 November 1992, in Uige, northern Angola, a Brazilian police observer with the United Nations Angola Verification Mission II was killed as a result of an outbreak of hostilities between National Union for the Total Independence of Angola and Government forces, during which the Mission camp was caught in the cross-fire. The members of the Council convey their deep sympathy and condolences to the Government of Brazil and to the bereaved family,

"The situation in the United Nations Protection Force, which has already suffered over 300 casualties, 20 of them fatal, remains deeply troubling. On 30 November 1992, two Spanish Force soldiers in Bosnia and Herzegovina were seriously injured in a mine attack and a Danish Force soldier was abducted by armed men today.

"On 1 December, two British military observers and four naval observers of the United Nations Transitional Authority in Cambodia, two from the Philippines, one from New Zealand and one from the United Kingdom, on patrol in Kompong Thom province were illegally detained by forces belonging to the National Army of Democratic Kampuchea. An Authority helicopter, sent to assist in the discussions for their release, was fired upon, and a French military observer on board was injured. Moreover, today, six Authority civilian police monitors, three Indonesians, two Tunisians and one Nepalese, were injured in two land mine incidents in Siem Reap province