

Security Council

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LETTER DATED 29 NOVEMBER 1994 FROM THE PERMANENT REPRESENTATIVE
OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to inform you that the violations of Iraqi national airspace committed by United States aircraft in order to carry out reconnaissance and cause provocation continued over the period 11-20 November 1994.

11 November 1994

Southern region: 77 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, centred over Nasiriyah, Samawah, Basra, Busayyah, Artawi, Salman, Chabaish and Ushbayjah.

On 11 November 1994, three United States TR-1 reconnaissance aircraft flying at speeds of 600 kilometres per hour and at altitudes of 20,000 metres violated Iraqi airspace in areas in the south of the country, as follows:

1. The first flight entered Iraqi airspace at 0900 hours and left in the direction of Kuwait at 0959 hours.
2. The second flight entered Iraqi airspace at 1115 hours and left in the direction of Kuwait at 1305 hours.
3. The third flight entered Iraqi airspace at 1212 hours and left in the direction of Kuwait at 1350 hours.

12 November 1994

(a) Northern region: 15 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, centred over Mosul, Irbil, Dohuk, Zakho, Tall Afar, Amadiyah, Aqrah, Ayn Zalah and Dukan.

(b) Southern region: 6 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, centred over Basra, Nasiriyah, Samawah, Shatrah, Hamzah, Salman, Chabaish, Busayyah and Artawi.

Between 0905 and 1445 hours on 12 November 1994, three United States TR-1 reconnaissance aircraft flying at speeds of 600 kilometres per hour and at

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altitudes of 20,000 metres violated Iraqi airspace in areas in the south of the country, as follows:

1. The first flight entered Iraqi airspace at 0905 hours and left in the direction of Kuwait at 1025 hours.
2. The second flight entered Iraqi airspace at 1107 hours and left in the direction of Kuwait at 1215 hours.
3. The third flight entered Iraqi airspace at 1415 hours and left in the direction of Kuwait at 1445 hours.

13 November 1994

Southern region: 73 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, centred over Nasiriyah, Samawah, Basra, Qal`at Salih, Jalibah, Busayyah, Artawi and Salman.

On 13 November 1994, two United States TR-1 reconnaissance aircraft flying at speeds of 600 kilometres per hour and at altitudes of 20,000 metres violated Iraqi airspace in areas in the south of the country, one at 0850 hours and the other at 1135 hours. They left in the direction of Kuwait at 1000 and 1220 hours respectively.

14 November 1994

(a) Northern region: 17 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, centred over Mosul, Tall Afar, Zakho, Dohuk, Aqrah, Ayn Zalah and Amadiyah.

(b) Southern region: 108 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, centred over Qurnah, Nasiriyah, Samawah, Salman, Artawi, Qal`at Salih and Jalibah.

Between 0855 and 1752 hours on 14 November 1994, five United States TR-1 reconnaissance aircraft flying at speeds of 600 kilometres per hour and at medium altitudes violated Iraqi airspace in areas in the south of the country, as follows:

1. The first flight entered Iraqi airspace at 0855 hours and left in the direction of Kuwait at 1007 hours.
2. The second flight entered Iraqi airspace at 1047 hours and left in the direction of Kuwait at 1320 hours.
3. The third flight entered Iraqi airspace at 1100 hours and left in the direction of Kuwait at 1127 hours.
4. The fourth flight entered Iraqi airspace at 1358 hours and left in the direction of Kuwait at 1428 hours.

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5. The fifth flight entered Iraqi airspace at 1705 hours and left in the direction of Kuwait at 1752 hours.

15 November 1994

(a) Northern region: 19 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, centred over Mosul, Zakho, Dohuk, Amadiyah, Aqrah, Tall Afar and Ayn Zalah.

(b) Southern region: 65 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, centred over Artawi, Jalibah, Qurnah, Amarah, Qal`at Salih, Nasiriyah, Samawah, Busayyah and Salman.

Between 0855 and 2009 hours on 15 November 1994, four United States TR-1 reconnaissance aircraft flying at speeds of 600 kilometres per hour and at altitudes of 20,000 metres violated Iraqi airspace in areas in the south of the country, as follows:

1. The first flight entered Iraqi airspace at 0855 hours and left in the direction of Kuwait at 1008 hours.
2. The second flight entered Iraqi airspace at 1100 hours and left in the direction of Kuwait at 1318 hours.
3. The third flight entered Iraqi airspace at 1640 hours and left in the direction of Kuwait at 1745 hours.
4. The fourth flight entered Iraqi airspace at 1927 hours and left in the direction of Kuwait at 2009 hours.

16 November 1994

Southern region: 14 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, centred over Basra, Amarah, the area to the south of Diwaniyah, Artawi, Jalibah, Qurnah, Chabaish and Salman.

Between 0830 and 1730 hours on 26 October 1994, three United States TR-1 reconnaissance aircraft flying at speeds of 600 kilometres per hour and at altitudes of 20,000 metres violated Iraqi airspace in areas in the south of the country, as follows:

1. The first flight entered Iraqi airspace at 0830 hours and left in the direction of Kuwait at 1020 hours.
2. The second flight entered Iraqi airspace at 1104 hours and left in the direction of Kuwait at 1320 hours.
3. The third flight entered Iraqi airspace at 1630 hours and left in the direction of Kuwait at 1730 hours.

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17 November 1994

(a) Northern region: 15 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, centred over Mosul, Irbil, Dohuk, Aqrah, Tall Afar and Amadiyah.

(b) Southern region: 80 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, centred over Nasiriyah, Samawah, Salman, Basra, Qal`at Salih, Jalibah, Artawi and Busayyah.

18 November 1994

(a) Northern region: 23 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, centred over Mosul, Irbil, Amadiyah, Aqrah, Tall Afar and Ayn Zalah.

(b) Southern region: 85 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, centred over Busayyah, Samawah, Chabaish, Nasiriyah, Basra, Umm Qasr, Qurnah and Salman.

Between 0905 and 1357 hours on 18 November 1994, three United States TR-1 reconnaissance aircraft flying at speeds of 600 kilometres per hour and at altitudes of 20,000 metres violated Iraqi airspace in areas in the south of the country, as follows:

1. The first flight entered Iraqi airspace at 0905 hours and left in the direction of Kuwait at 1004 hours.
2. The second flight entered Iraqi airspace at 1203 hours and left in the direction of Kuwait at 1225 hours.
3. The third flight entered Iraqi airspace at 1325 hours and left in the direction of Kuwait at 1357 hours.

19 November 1994

Southern region: 55 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, centred over Nasiriyah, Basra, Amarah, Samawah, Qal`at Salih and Qurnah.

Between 0900 and 1312 hours on 19 November 1994, three United States TR-1 reconnaissance aircraft flying at speeds of 600 kilometres per hour and at altitudes of 20,000 metres violated Iraqi airspace in areas in the south of the country, as follows:

1. The first flight entered Iraqi airspace at 0900 hours and left in the direction of Kuwait at 1006 hours.
2. The second flight entered Iraqi airspace at 1055 hours and left in the direction of Kuwait at 1312 hours.

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3. The third flight entered Iraqi airspace at 1105 hours and left in the direction of Kuwait at 1312 hours.

20 November 1994

Southern region: 76 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, centred over Nasiriyah, Samawah, Qurnah, Artawi, Jalibah and Busayyah.

On 20 November 1994, two United States TR-1 reconnaissance aircraft flying at speeds of 600 kilometres per hour and at altitudes of 20,000 metres violated Iraqi airspace in areas in the south of the country, one at 0955 hours and the other at 1332 hours. They left in the direction of Kuwait at 1305 and 1354 hours respectively.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Nizar HAMDOON

Ambassador

Permanent Representative

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requests have not yet been taken by the Yugoslav Army. The Mission therefore has approached the military authorities once again, this time with a written request. At a meeting with General Kovacevic on 29 November, he promised to arrange a meeting between the army, the Ministry of the Interior and with Mr. Kertes, Director of Customs of the Federal Republic of Yugoslavia (Serbia and Montenegro), to review the problems along the Drina and to decide the exact apportionment of responsibility among them. The Mission Coordinator and General Kovacevic agreed to meet again within a week, at which time General Kovacevic promised to provide an answer to the written request of the Mission Coordinator.

17. During the night of 29 November, the Mission transferred and deployed 19 additional teams from Sector B and Sector Belgrade onto all roads leading to the Drina between Sremska Raca and Loznica, reinforcing Sector A. Twenty-two observation points were manned and four mobile teams operated in the area. The Mission members observed the traffic throughout the night. They reported that no trucks or tankers passed through the area east of Sremska Raca-Loznica approaching the Drina. Only a few observations during the night indicated some possible small-scale "private" attempts of smuggling. The Mission will carry out this sort of reinforcement to all sectors, depending on where the need appears greatest.

18. As was indicated in the previous report, the situation in Montenegro has been a major concern for the Mission. The border crossing north-west of Krstac was abandoned by police and customs on 1 November, and there was no replacement by the army, leaving the crossing wide open for five days in spite of the demands from the Mission's sector leader. The matter was brought to the attention of the authorities in Belgrade. As there was still no action from the local police, a letter was sent to the Director of Customs of the Federal Republic of Yugoslavia (Serbia and Montenegro), demanding action and a written response.

20. As a result of the joint efforts by the Mission personnel and the Montenegrin authorities, two checkpoints were moved closer to the border, eliminating the possibility of using bypasses. A substantial earth barricade was constructed on one of the bypasses, and the Krstac border checkpoint was manned 24 hours a day.

21. On 8 November, three tankers had managed to use one of the bypasses in the Vilusi area and enter into Bosnia and Herzegovina. It had also become evident that large amounts of fuel were stored at the gas station in Vilusi, obviously being a logistic base for smuggling fuel across the border. As a result of the meetings referred to above, the most notorious smuggler in Montenegro has been arrested and the Chief of Police in Nikšić has been replaced. The Vilusi gas station was closed.

22. Owing to the increased number of Mission personnel in Montenegro and measures taken by the Montenegrin authorities, all crossing points in Montenegro are now being permanently manned by Mission members and by either police/customs or military personnel.

23. On 19 November, two tankers managed to force their way through the Krstac border checkpoint. The customs officer in charge has been arrested, accused of taking bribes. The Mission's sector leader has demanded obstacles to be established that could prevent trucks from driving straight through checkpoints.

24. The Mission Coordinator now considers the present situation in Montenegro satisfactory. The demands of the Mission have been met. There is no doubt, however, that well-organized smuggling and the large economic interests involved call for vigilant and constant surveillance.

25. Following presentations by Mission personnel, the performance of customs officers at Badovinci significantly improved and during a four-day period, from 2 to 6 November, around four tons of fuel were confiscated. As a result of this, traffic was reduced at the border crossing.

26. Efforts to improve procedures at other crossings are ongoing. The overall picture, however, is good. The cooperation at the packing centres is described by Mission personnel, including customs specialists, as excellent.

27. The Mission is now normally covering all major crossings 24 hours a day. The need for night patrols and to cover small crossings occasionally forces sector leaders to leave some crossings unobserved for a few hours. This underscores the importance of the Mission's achieving its full staffing component of 200 persons, so that it can provide 24-hour coverage to as many crossing points as possible.

28. During the reporting period, the Mission has experienced an increase in the number of military passenger cars with military plates and uniformed passengers crossing the border in Sector A and Sector B. On 9 November, for example, there were 13 such crossings. The Mission Coordinator raised this issue with the Director of Customs in the Federal Republic of Yugoslavia (Serbia and Montenegro) and after that there have been no reports of any military vehicles or uniformed personnel crossing the border.

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VIII. REPRESENTATIONS ON BEHALF OF HUMANITARIAN ORGANIZATIONS

29. As was mentioned in the previous report (S/1994/1246), the Mission Coordinator has sought to assist the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Committee of the Red Cross (ICRC) in their efforts to get the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to implement the border closure in such a manner as would not adversely affect their ongoing programmes in eastern Bosnia. With the assistance of UNHCR and ICRC, the Mission Coordinator negotiated and initialled, with the Director of Customs of the Federal Republic of Yugoslavia (Serbia and Montenegro), on 4 November, a "Memorandum on Definitions of Humanitarian Aid ...". The Memorandum is attached (see appendix).

IX. CERTIFICATION

30. In the light of the foregoing developments during the past 30 days, based on the Mission's on-site observation, on the advice of the Mission Coordinator, Mr. Bo Pellnäs, and in the absence of any contrary information from the air, whether the airborne reconnaissance system of NATO or national technical means, the Co-Chairmen conclude that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) is continuing to meet its commitment to close the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the areas of the Republic of Bosnia and Herzegovina under the control of the Bosnian Serb forces.

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Appendix

Memorandum on Definitions of Humanitarian Aid and Articles that may be Included, established between the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) and the International Conference on the Former Yugoslavia after consultations with the International Committee of the Red Cross and the Office of the United Nations High Commissioner for Refugees

1. Food

Also includes seed, cattle fodder and pesticides.

2. Clothing

Also includes footwear, blankets and mattresses. Sleeping-bags and tents may be sent, but only by the Office of the United Nations High Commissioner for Refugees (UNHCR) as part of specific programmes for refugees.

3. Medicine

Also includes medical materials such as medical/surgical equipment and instruments, orthopaedic appliances, disinfectants, dressing material, blood and blood plasma, equipment for transfusion, medical alcohol, bottles with medical gas, veterinary drugs and vaccines, sera and blood products.

4. Other items

Other items that may be sent as humanitarian aid within the framework of the programmes of international organizations and their implementing partners are:

Articles for hygiene;

Construction material;

Textbooks and other school materials necessary for education;

Articles for the International Committee of the Red Cross (ICRC) sanitation programme, such as materials for water works (pipes, plastic and metal fittings, flanges, joints, etc.), water-distribution materials (plastic water containers, pumps, etc.);

Articles for religious services (candles, icon lamps, icons, etc. and coffins);

Articles for beneficiaries, such as stoves, matches, candles, plastic sheeting and tarpaulins.

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Through the sole distribution by UNHCR, fuel and generators for schools, hospitals and collective centres may be sent, as well as fuel for secondary distribution to beneficiaries.

Household articles may be brought by people permanently changing dwelling between the Federal Republic of Yugoslavia and from, to or through the territory held by the Bosnian Serbs. In these cases proper documentation from the relevant authorities should be available.

UNHCR and ICRC may on all occasions bring all items they request for their own operational needs (for their own transportation, office work, projects, etc, also including items such as radio equipment and fuel).

(Signed) Mr. M. KERTES
Mr. Bo PELLNÄS

against Udbina airfield. Nor did this air strike, or the use of air power by NATO in self-defence against three surface-to-air missile sites on 23 November, alter the behaviour of the Bosnian Serb forces.

30. Deterrence must be practical on the ground and politically acceptable in order to be credible. As I stated in my previous report on the safe areas (S/1994/555, para. 10), "air power has major psychological and political impacts that can alter relationships with the parties and the conduct of ongoing negotiations". While this statement remains valid, the level of air power required to alter the attitude of the parties has clearly become much greater, as have the risks to UNPROFOR. First, blunting a determined attack on a safe

area will require repeated air engagements which will have to begin at a considerable distance from the safe area. Military intervention, as opposed to operations by consent, will prevail over a larger area, and options for negotiation will be foreclosed earlier. This problem is compounded by the need to suppress any air defence systems which threaten NATO aircraft. Secondly, UNPROFOR remains a lightly armed, highly dispersed force that can neither be tactically deployed nor secure its lines of communications. This extreme and unavoidable vulnerability of UNPROFOR troops to being taken hostage and to other forms of harassment, coupled with the political constraints on wider air action, greatly reduce the extent to which the threat of air power can deter a determined combatant.

31. The use, or threat of the use, of air power, also has significant implications for the operations of UNPROFOR and consequently for humanitarian assistance activities led by UNHCR. After the first use of air power at Gorazde, the Bosnian Serbs regarded UNPROFOR as having intervened on behalf of their opponents. This led to obstruction of humanitarian assistance deliveries throughout the areas under their control. A similar reaction occurred when the use of air power in support of UNPROFOR personnel at Sarajevo on 22 September led to the total closure of Sarajevo airport and the interruption of humanitarian land convoys for more than 10 days, disrupting the winterization programmes planned by the humanitarian agencies.

32. While the air strike at Udbina airfield did not prompt the same hostile reaction against UNPROFOR in the UNPAs as had occurred in Bosnia and Herzegovina, it increased tension in the area. Severe restrictions on freedom of movement have almost entirely disrupted the activities of UNPROFOR there since 21 November. In Bosnia and Herzegovina also various incidents and increased tension have disturbed a major part of UNPROFOR activities. Severe restrictions on the freedom of movement of UNPROFOR were imposed by the Bosnian Serb forces throughout the territory under their control and several hundred persons were detained.

33. A very important part of the activities of UNPROFOR is carried out by its military and civilian personnel on the ground, who have daily contact with local authorities. After the air strike on Udbina airfield, civilian police personnel in the UNPAs had to leave their stations and be co-located at military headquarters because of security concerns. They were absent for more than a week, which had a negative effect on cooperation with local authorities. With the interruption of these normal activities, UNPROFOR was unable to use all its contacts and influence at the local level in order to defuse the tension raised by the air strike.

Use of safe areas for military purposes

34. The use of the safe areas by the Government Army of Bosnia and Herzegovina and its consequences have been described in my previous reports (S/1994/291, para. 17, S/1994/300, para. 30 and S/1994/555, paras. 13 and 14). The intention of the safe-area concept is to protect the civilian populations and to ensure unimpeded access for humanitarian assistance. For the reasons explained below, this is not compatible with the use of the safe areas for military activities.

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35. This problem has become particularly acute with the recent offensive of the Government Army from within the Bihac pocket, which in turn triggered a major counter-offensive by the Bosnian Serb forces and the involvement of the Krajina Serb forces in the conflict. Most of the offensive activities undertaken by Government forces from the Bihac pocket were not launched from within the safe area as defined by UNPROFOR. However, the fact that this large-scale offensive was conducted from the headquarters of the Fifth Corps in the town of Bihac contributed, in the judgement of UNPROFOR, to the Bosnian Serb attack upon the town.

36. Military installations are also located in other safe areas: the headquarters of the Second Corps of the Government Army is in the town centre of Tuzla; factories with the capability of producing ammunition, chemicals and other products for military use are situated at Tuzla and Gorazde; and Sarajevo is the location of the General Command of the Government Army, as well as of the Joint Command of the Government Army and the Bosnian Croat forces, which are in the process of formation.

37. When a safe area has strategic importance in ongoing military operations launched or provoked by the forces defending the area, it would be unrealistic to expect the other party to avoid attacking that area, even with full knowledge of the likely consequences of violating the relevant Security Council resolutions. In these circumstances, the efforts of UNPROFOR to defend the safe area make it necessary to obstruct only one of the hostile forces, which considers itself to be merely reacting to offensives launched by the other. In such circumstances, the impartiality of UNPROFOR becomes difficult to maintain and there is a risk of the Force being seen as a party to the conflict.

Delineation of the safe areas

38. In my report on the safe areas (S/1994/555, para. 18), I stressed the need for clear delineation of the safe areas with due regard to the areas of dense population around the six towns named in resolution 824 (1993) of 6 May 1993. I proposed that UNPROFOR be given a mandate to establish, in coordination with the parties but if necessary on its own responsibility, the operational boundaries of the areas against which the Force would be mandated to deter attacks.

39. That report was not acted upon by the Security Council. The safe area of Bihac had not, therefore, been delineated when the offensive of the Army of the Bosnian Government and the subsequent counter-offensive of the Bosnian Serb forces started. The non-existence of clearly defined boundaries seems to have led to a certain confusion as to the size and configuration of the Bihac safe area, and created false expectations on the part of the Government of Bosnia and Herzegovina as to the extent of the responsibilities of UNPROFOR. The absence of a reaction by the Security Council to the questions raised in my previous reports, in particular in that of 16 March 1994 (S/1994/300) concerning the lack of a mandate to deter attacks on the Bihac safe area by forces outside the Republic of Bosnia and Herzegovina and/or internal warring forces, also compounded the Force's difficulties in reacting to the intervention by the Krajina Serb forces at an early stage.

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IV. REVIEW OF THE CONCEPT OF SAFE AREAS

40. The lessons described above create a need to reconsider the safe area concept, which was originally intended to be a temporary measure pending an overall political solution to the conflict in Bosnia and Herzegovina. It is obvious that the safe areas, created in response to a humanitarian emergency, cannot substitute for an overall solution to the conflict. Moreover, as explained above, the use of force and, in particular, air power to protect the safe areas cannot be effective if it becomes a destabilizing factor and impedes the primary humanitarian mission of UNPROFOR in Bosnia and Herzegovina as well as its mission in Croatia.

41. The ability of a safe-area regime to achieve its purposes depends upon the will of the parties to the conflict. As shown by the experience summarized above, the threat or use of air power is, at best, of very limited utility in compelling the Bosnian Serbs to respect the safe areas. The use of force beyond a certain point would exacerbate the condition of the population in the safe areas, heightening the risks to UNPROFOR personnel, preventing the delivery of humanitarian assistance and intensifying the conflict throughout Bosnia and Herzegovina. I therefore believe that the objective must be to get the parties to accept the regime established for the safe areas by the Council, with the modifications that are recommended below.

42. Nevertheless, it is important for the international community to remain committed to a safe-area regime even without an agreement by the parties and to continue to demand compliance with the relevant decisions by the Security Council. UNPROFOR recognizes that the protection of the populations of the safe areas cannot depend exclusively on the agreement of the parties. It must also be accepted, however, that the ability of a peace-keeping force such as UNPROFOR to enforce respect for the safe areas by unwilling parties is extremely limited, unless additional troops and the necessary weapons and equipment are made available.

Principles and current regime of the safe areas

43. In my previous report on the safe areas (S/1994/555, para. 24), I expressed the view that the acceptance of the following three overriding principles was required for the successful implementation of the safe-area concept:

(a) That the intention of safe areas is primarily to protect people and not to defend territory and that protection by UNPROFOR of these areas is not intended to make it a party to the conflict;

(b) That the method of execution of the safe-area task should not, if possible, detract from, but rather enhance, the mandates of UNPROFOR to support humanitarian assistance operations and contribute to the overall peace process through the implementation of cease-fires and local disengagements;

(c) That the safe-area mandate must take into account the resource limitations of UNPROFOR and the conflicting priorities that will inevitably arise from unfolding events.

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44. The regime that has been established by the Security Council in its resolutions 819 (1993) of 17 April 1993, 824 (1993), 836 (1993), 913 (1994) of 22 April 1994 and 959 (1994) contains the following basic elements:

- Freedom from armed attack or other hostile acts;
- Withdrawal of Bosnian Serb and other military or paramilitary units except those of the Government of Bosnia and Herzegovina;
- Maximum restraint and an end to all provocative and hostile actions in and around the safe areas by all parties and others concerned;
- Occupation of key points on the ground by UNPROFOR troops and monitoring by the Force in the safe areas;
- Free and unimpeded access for UNPROFOR and international humanitarian agencies and full respect for their safety;
- Participation by UNPROFOR in the delivery of humanitarian relief to the population in the safe areas.

45. It is my belief that, in order to achieve the overriding objective of the safe areas, i.e., protection of the civilian population and delivery of humanitarian assistance, the current regime needs to be modified to include the following rules:

- Delineation of the safe areas;
- Demilitarization of the safe areas and cessation of hostilities and provocative actions in and around the safe areas;
- Interim measures towards complete demilitarization;
- Complete freedom of movement.

These conditions are discussed in greater detail below.

Delineation of the safe areas

46. The boundaries of the safe areas need to be clearly defined. Such delineation will be necessary whether or not an agreement between the parties on the demilitarization of the safe areas is obtained. Wherever feasible, the creation of a zone of separation between the conflicting parties would contribute to reducing tension and the risks of provocation.

47. A proposal was made in my previous report on the safe areas (S/1994/555) that UNPROFOR be tasked to define the operational boundaries of the safe areas. The recent developments in Bihac prompted such action but the boundaries for other safe areas remain undefined. UNPROFOR remains ready to issue its own delineation if authorized to do so by the Security Council.

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Demilitarization of the safe areas and cessation of hostilities and provocative actions in and around the safe areas

48. The primary objective of the safe areas can be achieved only if they are completely demilitarized by all parties. Experience shows that the ability of one party to retain troops, weapons and military installations within a safe area creates an inherently unstable situation and draws attacks from the opposing party. The use of force by UNPROFOR to repel such attacks in defence of the safe area is inevitably construed as "taking sides" in the conflict and can have a destabilizing effect throughout Bosnia and Herzegovina. Moreover, UNPROFOR is not equipped to repel such attacks, and air power is frequently an inappropriate means of doing so, particularly in light of the recent developments described above.

49. In this connection, I should like to reiterate my concern at the resource-intensive nature of the weapons collection sites and their vulnerability to the forceful withdrawal of weapons during periods of increased tension.

50. The demilitarization of the safe areas should be accompanied, as already declared by the Security Council, by (a) the cessation of attacks, hostilities or other provocative action against the safe areas or the population in the area, and (b) the cessation of provocative action from within the safe areas directed against opposing forces outside the safe areas.

Interim measures towards complete demilitarization

51. Until complete demilitarization of safe areas can be achieved, the party controlling a safe area should be obliged to refrain from attacks and hostile or provocative actions from within the safe area directed against opposing forces or targets outside the safe area. In addition, measures should be taken by the parties to avoid activities within the safe areas that could draw attacks from opposing forces. It needs to be clearly understood that failure to take such measures will make it impossible for UNPROFOR to exercise its mandate to use force in the event of an attack on the safe area, particularly when the attack is related to the presence of military targets within the safe area.

52. With respect to such measures, it is helpful to consider principles of international humanitarian law, embodied in the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto, of 1977, 1/ which have gained general acceptance among the international community. The Security Council, in its resolution 771 (1992) of 13 August 1992, reaffirmed that all parties to the conflict are bound to comply with those principles. In accordance with those principles, I would recommend the following measures:

(a) No weapons or weapon systems, including armour, artillery, rockets or mortars larger than 81 mm in diameter, should be located within the safe areas;

(b) No military headquarters or similar installations should be located within the safe areas;

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(c) No factories producing matériel for military use should be located within the safe areas and no warehouse facilities within the safe areas should be used for the storage of military supplies;

(d) No use of the safe areas by a party to the conflict as a haven for its troops or for training or equipping troops.

Complete freedom of movement

53. Complete freedom of movement for the local population, as well as for UNPROFOR and humanitarian relief agencies, should be guaranteed to, from and within the safe areas. The best way to ensure such unimpeded access would be to establish secure land corridors to the safe areas for the provision of humanitarian assistance and the movement of the civilian population.

V. OBSERVATIONS

54. I had suggested in my report to the Security Council pursuant to its resolution 836 (1993) (S/25939, para. 5), that approximately 34,000 additional troops would be required in order to obtain deterrence through strength. Such troops would have needed to be adequately formed, trained and equipped, and ready to react with all the force available in the event of a breach of the safe-area regime by any of the parties. Regrettably, the Security Council authorized only 7,600 troops, which took a year to arrive and be deployed in the safe areas. Two of the largest contingents provided by Member States required extensive supplies of equipment, ranging from armoured personnel carriers to winter clothing. This had to be obtained by the United Nations, which was obliged to arrange training for the soldiers in its use before they could be deployed. UNPROFOR has, in these circumstances, faced considerable operational limitations in fulfilling its safe-area mandate.

55. The recent experience described above makes it more evident than ever that only the consent and cooperation of the parties can guarantee the protection of the safe areas with a minimal UNPROFOR troop presence. Such a troop presence would provide some, albeit limited, deterrence to violations of the safe area. Agreement on the conditions described above, including demilitarization of the safe areas, would place added responsibilities upon UNPROFOR, including effective monitoring and supervision of the demilitarization; promoting safety and security within the demilitarized area; and ensuring compliance by the parties with the agreement on cessation of hostile and provocative actions. In order to execute such mandates, an increased presence of UNPROFOR in and around the safe areas would become necessary, with interposition of troops between the parties and establishment of observation points. UNPROFOR would not be able to take on such functions without adequate additional resources.

56. It would also be essential to retain current authorization for the use of air power as an ultimate deterrent to attacks against or incursions into the safe areas and to support UNPROFOR in carrying out its mandate there. This should be accompanied by the authorization to use force to deter attacks or hostilities from within the safe areas against opposing troops or targets outside them, and to remove hostile impediments to the use of the land corridors

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referred to above. It must be recognized, however, that the use of air power has inherent deficiencies and that force should be used only as a last resort in response to a specific situation, and only in conjunction with efforts by UNPROFOR and other elements of the international community to de-escalate the situation.

57. In the absence of agreement by the parties to the safe-area regime, the Security Council is faced with a choice as to the extent to which UNPROFOR is to be mandated to enforce respect for the safe areas by unwilling warring parties. At present, the role of UNPROFOR is to act as a deterrent to attacks upon the safe areas through the minimum presence of its troops under the "light option" and the possible use of air power. This has failed to deter attacks upon the Bihac safe area. None the less, I do not believe that UNPROFOR should be given the mandate to enforce compliance with the safe-area regime. The use of force that would be necessary to implement such a mandate would, as I have already stated, prevent UNPROFOR from carrying out its overall mandate in the former Yugoslavia, turn it into a combatant and further destabilize the situation in Bosnia and Herzegovina. In short, such a mandate would be incompatible with the role of UNPROFOR as a peace-keeping force.

58. In particular, the employment of an enhanced troop capacity in the safe areas with an enforcement mandate would be likely to have the following consequences:

(a) The forces to be deployed in the safe areas, as well as their logistic support units, would be subject to a greatly increased level of risk compared with normal peace-keeping forces;

(b) The need for logistic capabilities to support such deployment would require a drastic increase in UNPROFOR military and civilian support units, in addition to the troops to be deployed in the safe areas (it should be noted that the current deficiency in the authorized strength of UNPROFOR derives from lack of sufficient logistic and engineering personnel);

(c) The action required to enforce the protection of safe areas, including increased use of air power, would make it impossible for UNPROFOR to implement its mandate as an impartial peace-keeping force elsewhere in Bosnia and Herzegovina;

(d) The delivery of humanitarian assistance would become virtually impossible.

59. In view of the above, it is my view that the role of UNPROFOR of deterring violations of the safe-area regime should not be changed to one of enforcing the regime. To give UNPROFOR such a mandate would create expectations on the part of the population of the safe areas and the international community as a whole that UNPROFOR could not fulfil without compromising its basic mission and provoking the negative consequences referred to above.

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60. I therefore recommend that the Security Council:

(a) Redefine the regime of safe areas with the modifications proposed in paragraph 44 above;

(b) Demand that all the parties and others concerned agree, without delay, on the concrete steps to be taken to ensure compliance with the modified safe-area regime;

(c) Demand that all the parties and others concerned comply with the interim measures pending complete demilitarization of the safe areas;

(d) Mandate UNPROFOR to define the operational boundaries of the safe areas with or without the agreement of the parties.

61. I should like to stress again that the safe areas do not represent a long-term solution to the fundamental conflict in Bosnia and Herzegovina but a temporary measure to alleviate the suffering of vulnerable civilian populations pending a political settlement. The only effective way to make the safe areas, as well as other areas of Bosnia and Herzegovina, truly safe is to achieve a comprehensive political solution through negotiations. I strongly urge the parties to the conflict to engage, with sincerity, in talks aimed at rapidly achieving such a solution. In the meantime I reiterate the call for an immediate cease-fire, which will prevent a number of people who have already experienced indescribable suffering from undergoing further misery in the winter that is now upon them.

Notes

1/ United Nations, Treaty Series, vol. 75, Nos. 970-973.
