Chapter V

**Europe and the Mediterranean**

The Europe and the Mediterranean region registered important milestones in resolving its many conflict situations and restoring peace and stability in 2002, particularly in the countries of the former Yugoslavia. Croatia and the Federal Republic of Yugoslavia (FRY), which successfully concluded their bilateral negotiations relating to the dispute over the Prevlaka peninsula, signed the 10 December Protocol on the Interim Regime along the Southern Border between the Two States. That development allowed the United Nations Mission of Observers in Prevlaka, which had monitored the demilitarization of the peninsula and neighbouring territories since 1992, to hand over responsibility for the area to the local authorities of both countries and to withdraw in December. The United Nations also successfully concluded its mission in Bosnia and Herzegovina, one of the most complex and difficult UN police peacekeeping missions, which ended on 31 December and was to be succeeded by the follow-on European Union Police Mission from 1 January 2003.

The Kosovo province of FRY continued to make significant progress towards provisional self-governance, and to promote inter-ethnic reconciliation and economic and social reconstruction. The United Nations Interim Administration Mission in Kosovo (UNMIK) began transferring authority to the provisional institutions of self-government. To facilitate a process that would determine Kosovo’s final status, the Special Representative set benchmarks that had to be reached before that process could begin. Further evidence of the continuing stability of Kosovo was the successful holding of municipal elections in October. However, the divided town of Mitrovica continued to present a number of challenges, which led the Special Representative to put forward in October a seven-point plan for dealing with the situation there. In November, UNMIK succeeded in establishing its administration in northern Mitrovica town, thus bringing the entire territory of Kosovo under UNMIK control for the first time. In December, the Security Council sent a mission to Kosovo to, among other objectives, find ways to enhance support for the implementation of its resolution 1244(1999) [YUN 1999, p. 353], discuss the challenges faced by UNMIK and convey a strong message to all concerned to move forward with the decentralization process and promote inter-ethnic reconciliation.

Relations with the Federal Government in Belgrade continued to improve. In March, FRY transferred a large number of Kosovo Albanian detainees to Kosovo from Serbia proper, as well as court files pertaining to the majority of the remaining detainees. It also agreed to stop financing parallel institutions, especially in Mitrovica town.

Unfortunately, the situation in the Abkhaz region of Georgia continued to cause grave concern. The Georgian-Abkhazia peace process remained stalled as the two sides failed to begin discussions of the paper on the Basic Principles for the Distribution of Competences between Tbilisi (Georgia’s Government) and Sukhumi (the Abkhaz leadership), which was to serve as a basis for substantial negotiations; nor was success achieved in convening meetings of the Coordinating Council, part of the United Nations–led Geneva peace process [YUN 1997, p. 365]. The situation was further aggravated by the holding in March of “parliamentary elections” in Abkhazia, Georgia, which was condemned by the international community, and the continuing tension in the Kodori Valley, created by the presence of Georgian forces there; some progress was made in defusing that tension, however, through the signing of two protocols designed to restore stability to the Valley.

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

In the Mediterranean region, there was renewed optimism for a settlement of the Cyprus question. For the first time, the leaders of the two Cypriot communities, Glafkos Clerides, President of Cyprus, and Rauf R. Denktas, the Turkish Cypriot leader, held direct talks with a view to reaching a comprehensive settlement. To help move the process forward, the Secretary-General presented to the two sides in November his comprehensive settlement proposal entitled “Basis for Agreement on a Comprehensive Settlement of the Cyprus Problem”, which he revised in December to bridge remaining gaps between the parties. Further negotiations based on the Secretary-General’s plan were to resume in early 2003.
The former Yugoslavia

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 Kosovo (UNMIK).

The Security Council extended for a final period the mandate of UNMIBH, which included the International Police Task Force (IPTF), until 31 December 2002 and that of UNMOP until 15 December 2002.

Financing and liquidation of previous peacekeeping operations

UNPF and UNPF-HQ


Troop-contributing Governments had been fully reimbursed for troop costs and for contingent-owned equipment usage charges, except for $18.3 million that remained obligated for the settlement of outstanding claims for losses. As at 31 December 2001, outstanding claims for goods and services provided under letters of assist and for death and disability amounted to $3.8 million.

The unencumbered balance of appropriations had increased from $174,743,027 gross ($175,530,370 net) to $196,481,027 gross ($197,257,370 net), due to reductions of $21,437,000 from the cancellation of prior period obligations and of $301,000 for prior period adjustments; the cash balance was significantly less, however, at $174,550,000. Although the financial situation improved from an operating deficit of $305,889,451 to an operating surplus of $139,988,000, the funds available were still insufficient to credit the entire unencumbered balance to Member States.

The Secretary-General therefore proposed that the Assembly decide that Member States should waive their respective shares in the amount of $125,644,300 from the balance of appropriations, to be applied to the resources required for financing the strategic deployment stocks (see p. 63); credit the remaining balance of $8,295,700 to Member States; and continue to suspend temporarily financial regulations 4.3, 4.4 and 5.2 (d) in respect of the remaining surplus of $62,543,027 gross ($63,319,370 net) in the light of the cash shortage of the combined Forces.

The Advisory Committee on Administrative and Budgetary Questions (ACABQ), in its April report [A/56/887], recommended acceptance of the Secretary-General’s second and third proposals. With regard to his first proposal, ACABQ recommended that the Assembly take into account the funding arrangement set out in paragraph (f) of its resolution 47/217 [YUN 1992, p. 1022] relating to the Peacekeeping Reserve Fund.

GENERAL ASSEMBLY ACTION

On 27 June [meeting 105], the General Assembly, on the recommendation of the Fifth (Administrative and Budgetary) Committee [A/56/978], adopted resolution 56/500 without vote [agenda item 146].


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 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 further 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 Protection Force and its subsequent resolution would take 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 General Assembly resolution 46/233 of 19 March 1992 on the financing of the United Nations Protection Force and its subsequent resolutions and decisions therein, the latest of which was resolution 55/265 of 14 June 2001.

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 1514(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 2002, including the contributions outstanding in the amount of $246 million United States dollars, representing some 4 per cent of the total assessed contributions, notes with concern that only one hundred and four Member States have paid their assessed contributions in full, and urges all other Member States, in particular those in arrears, to ensure payment of their outstanding assessed contributions;

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

3. Expresses concern at the financial situation with regard to peacekeeping activities, in particular as regards 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 reimbursing 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 recommendations contained in paragraph 92 of the report of the Advisory Committee on Administrative and Budgetary Questions;

8. Decides to credit Member States the amount of 95,978,945 dollars subject to the provisions of paragraph 6 of General Assembly resolution 50/292 of 27 June 2002 on the strategic deployment stocks;

9. Decides also that the remaining cash balance of 39,286,278 dollars shall also be credited to Member States;

10. Decides further 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 61,255,804 dollars 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;

11. Decides to defer consideration of the treatment of the increase in staff assessment income of 776,343 dollars in respect of the surplus referred to in paragraph 10 above;

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


On 20 December, the Assembly decided that the item on the financing of UNPROFOR, UNUGRO, UNPREDEP and UNPF-HQ would remain for consideration at its resumed fifty-seventh (2003) session (decision 57/585) and that the Fifth Committee should continue to consider the item at that session (decision 57/556).

UNTAES and UN Civilian Police Support Group

In February [A/56/844], the Secretary-General submitted the final performance report of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) and the Civilian Police Support Group, which indicated that troop-contributing Governments had been reimbursed in full for troop costs and for usage charges for contingent-owned equipment and self-sustainment costs, except for $5.4 million retained in the mission’s special
account to settle outstanding claims for equipment losses.

As at 31 December 2001, the balance of appropriations for UNTAES and the Civilian Police Support Group amounted to $32,069,300 gross ($30,715,300 net), while the cash balance amounted to $35,799,000; unpaid assessed contributions to the mission stood at $25,449,398.

The Secretary-General proposed that Member States waive their respective shares in the cash balance, which would be applied to the resources required for the financing of the strategic deployment stocks (see p. 63). In that connection, ACABQ, in April [A/56/887], recommended that the General Assembly take into account the funding arrangement relating to the Peacekeeping Reserve Fund set out in paragraph (j) of resolution 47/217 [YUN 1992, p. 1022].

GENERAL ASSEMBLY ACTION

On 27 June [meeting 105], the General Assembly, on the recommendation of the Fifth Committee [A/56/991], adopted resolution 56/506 without vote [agenda item 155].

Financing of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium and the Civilian Police Support Group

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium and the Civilian Police Support Group and the related report of the Advisory Committee on Administrative and Budgetary Questions,


Recalling also its decision 50/481 of 11 April 1996 on the financing of the Transitional Administration and its subsequent resolutions and decisions thereon, the latest of which was resolution 54/274 of 15 June 2000,

Reaffirming that the costs of the Transitional Administration and the Support Group 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 Transitional Administration and the Support Group, 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 Transitional Administration by certain Governments,

Mindful of the fact that it is essential to provide the Transitional Administration and the Support Group with the necessary financial resources to enable them to meet their outstanding liabilities,

1. Takes note of the status of contributions to the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium and the Civilian Police Support Group as at 30 April 2002, including the contributions outstanding in the amount of 25.4 million United States dollars, representing some 6 per cent of the total assessed contributions, notes with concern that only one hundred and forty-one Member States have paid their assessed contributions in full, and urges all other Member States, in particular those in arrears, to ensure payment of their outstanding assessed contributions;

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

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

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

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

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

7. Endorses the recommendations contained in paragraph 82 of the report of the Advisory Committee on Administrative and Budgetary Questions;

8. Decides that $35,805,805 dollars shall be credited to Member States;

9. Requests the Secretary-General to provide an updated report on the financial position of the Transitional Administration and the Support Group in one year;

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

11. Decides to include in the provisional agenda of its fifty-seventh session the item entitled "Financing of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium and the Civilian Police Support Group".

On 20 December, the Assembly decided that the item on the financing of UNTAES and the Civilian Police Support Group would remain for
consideration at its resumed fifty-seventh (2003) session (decision 57/385) and that the Fifth Committee should continue to consider the item at that session (decision 57/356).

UNPREDEP

In his final performance report on the United Nations Preventive Deployment Force (UNPREDEP) [A/56/842], the Secretary-General indicated that troop-contributing Governments had been reimbursed in full for troop costs and for usage charges for contingent-owned equipment and self-sustainment costs, except for $2.9 million in unliquidated obligations retained to settle outstanding claims for equipment losses.

At 31 December 2001, the unencumbered balance of appropriations for UNPREDEP amounted to $7,039,600 gross ($6,885,500 net), while the cash balance amounted to $18,213,000; unpaid assessed contributions totalled $9,255,854.

The Secretary-General proposed that the General Assembly reduce the appropriation of $183,730 gross ($166,330 net) provided for the liquidation of UNPREDEP in resolution 53/20 B [YUN 1999, p. 371] for the period 1 July to 15 October 1999 to $172,000 gross ($172,000 net); apportion the reduced amount for the same period; offset that apportionment against the unencumbered appropriations balance; and decide that Member States waive their respective shares in the cash balance, to be applied to the resources required for financing the strategic deployment stocks (see p. 63).

ACABQ recommended in April [A/56/887] that the Assembly accept the Secretary-General’s first three proposals; in respect of the fourth proposal, the Assembly might wish to take into account the funding arrangement relating to the Peacekeeping Reserve Fund set out in paragraph (f) of resolution 47/217 [YUN 1992, p. 1022].

GENERAL ASSEMBLY ACTION

On 27 June [meeting 105], the General Assembly, on the recommendation of the Fifth Committee [A/56/981], adopted resolution 56/299 without vote [agenda item 144].

Financing of the United Nations Preventive Deployment Force

The General Assembly

Having considered the report of the Secretary-General on the financing of the United Nations Preventive Deployment Force and the related report of the Advisory Committee on Administrative and Budgetary Questions,


Recalling also its decision 50/481 of 11 April 1996 on the financing of the Force and its subsequent resolutions and decisions thereon, the latest of which was resolution 54/275 of 15 June 2000,

Reaffirming that the costs of the Force 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 Force, 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 limited capacity to contribute towards such an operation,

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 Force by certain Governments,

Mindful of the fact that it is essential to provide the Force with the necessary financial resources to enable it to meet its outstanding liabilities,

1. Takes note of the status of contributions to the United Nations Preventive Deployment Force as at 30 April 2002, including the contributions outstanding in the amount of 9.2 million United States dollars, representing some 6 per cent of the total assessed contributions, notes with concern that only one hundred and thirty-two Member States have paid their assessed contributions in full, and urges all other Member States, in particular those in arrears, to ensure payment of their outstanding assessed contributions;

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

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

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

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

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

7. Endorses the recommendations contained in paragraph 82 of the report of the Advisory Committee on Administrative and Budgetary Questions;

8. Decides to reduce the appropriation provided for in its resolution 53/20 B of 8 June 1999 of 183,730 dollars for the liquidation of the Force in respect of the period from 1 July to 15 October 1999 to the amount of 172,000 dollars;
9. Decides also, as an ad hoc arrangement, to apportion among Member States the amount of 772,000 dollars in respect of the period from 1 July to 15 October 1999, in accordance with the composition of groups set out in paragraphs 3 and 4 of resolution 43/232 of 1 March 1989, and as adjusted by the General Assembly in subsequent 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 in respect of the period 1998-2000, and taking into account the scale of assessments for the year 1999 as set out in its resolution 52/235 A of 22 December 1997.

10. 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 9 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 96,000 dollars approved for the liquidation of the Force in respect of the period from 1 July to 15 October 1999.

11. Decides that 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 9 above, their respective share in the amount of 172,000 dollars from the unencumbered balance of 7,059,600 dollars;

12. Decides also that, for Member States that have not fulfilled their financial obligations to the Force, their share of the amount of 172,000 dollars from the unencumbered balance of 7,059,600 dollars shall be set off against their outstanding obligations;

13. Decides further that staff assessment income in the amount of 96,000 dollars from the total staff assessment income of 174,100 dollars shall be set off against the credits from the unencumbered balance referred to in paragraphs 11 and 12 above;

14. Decides that 18,237,935 dollars shall be credited to Member States;

15. Requests the Secretary-General to provide an updated report on the financial position of the Force in one year;

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

17. Decides to include in the provisional agenda of its fifty-seventh session the item entitled “Financing of the United Nations Preventive Deployment Force”.

On 20 December, the Assembly decided that the item on the financing of UNPREDEP would remain for consideration at its resumed fifty-seventh (2002) session (decision 57/585) and that the Fifth Committee should continue to consider the item at that session (decision 57/556).

Prevlaka peninsula

In 2002, the United Nations, encouraged by the progress in the bilateral negotiations between Croatia and the Federal Republic of Yugoslavia (FRY) relating to their dispute over the Prevlaka peninsula, prepared to withdraw the United Nations Mission of Observers in Prevlaka (UNMOP), which had monitored the demilitarization of the peninsula and neighbouring territories in Croatia and FRY since 1992. In anticipation of the positive conclusion of those negotiations, the Security Council twice extended UNMOP’s mandate, the last time until 15 December. Following the signing of the “Protocol between the Government of Croatia and the Federal Government of the Federal Republic of Yugoslavia on the Interim Regime along the Southern Border between the Two States” on 10 December, UNMOP began its withdrawal from the area, which was completed on 31 December, bringing to a successful conclusion one of the UN peacekeeping efforts in the Balkans.

Bilateral negotiations

On 7 January [S/2002/29], Croatia informed the Security Council President that, with the change of Government in Belgrade [YUN 2000, p. 384], bilateral talks between Croatia and FRY had resumed. Croatia was encouraged that the new authorities shared the view that the borders of the republics that had become independent after the dissolution of the former Socialist Federal Republic of Yugoslavia (SFRY) were international borders and should be respected. It hoped that the Inter-State Border Commission, or Inter-State Diplomatic Commission, established in 2001 (YUN 2001, p. 324) to work jointly on the identification of the land border and the delimitation of the sea border, would start its work as soon as possible and complete its task in the shortest possible time. With relations between the two countries steadily improving and with the positive attitude of the new Government in Belgrade, Croatia was confident that the two countries were ready to conclude the Prevlaka issue successfully. Meanwhile, a transitional border regime could be agreed upon.

The Council, in resolution 1387(2002) of 15 January (see p. 341), requested the parties to continue to report at least bimonthly to the Secretary-General on the status of their bilateral negotiations and on the progress of the Commission’s work.

In response, Croatia and FRY reported jointly to the Council President on 10 April [S/2002/368] that the Commission, at meetings held on 29 January in Belgrade, FRY, and on 12 March in Zagreb, Croatia, defined its rules of procedure and initiated the Protocol on Principles for Identification, due to be signed at their next meeting on 23 April. According to the Protocol, the basis for identification—delimitation of the borderline and drafting of the State Border Agreement—was the former inter-republican boundary in SFRY
stretching between the former Socialist Republics of Croatia and Serbia, and Croatia and Montenegro.

The developments showed that their Governments had renewed their efforts and resolve in dealing with the Prevlaka issue. Talks would start at their next meeting in Belgrade on a comprehensive cross-border regime, which might include demilitarization, traffic of passengers and goods, navigation, management of natural resources, especially marine resources, and mutual implementation monitoring mechanisms, which would eventually contribute to the successful ending of UNMOP. Croatia and FRY would continue to negotiate in good faith and in an atmosphere of mutual confidence and respect.

In his report to the Council on UNMOP activities, the Secretary-General said that the parties had provided several briefings to the UNMOP Chief Military Observer and the UN Secretariat on their bilateral contacts, covering the substance and format of their talks and work on a comprehensive cross-border regime, as well as on a mutual implementation monitoring mechanism. The briefings indicated that the parties were negotiating in good faith and had made significant progress on a range of issues aimed at normalizing the situation along their southern border.

In his December report on UNMOP, the Secretary-General informed the Council that, during his recent visit to the region, he had urged Croatia and FRY to conclude their negotiations by the end of November to allow for an orderly handover by the expiration of UNMOP's mandate on 15 December. Focal points appointed by both sides to coordinate with the Chief Military Observer had made separate preliminary visits to the peninsula.

On 10 December, the two countries signed the Protocol between the Government of Croatia and the Federal Government of the Federal Republic of Yugoslavia on the Interim Regime along the Southern Border between the Two States. Its text was jointly transmitted to the Council President by Foreign Ministers of the two countries on the same date.

SECURITY COUNCIL ACTION

On 12 December, following consultations among Security Council members, the President made statement S/PRST/2002/34 on behalf of the Council:

The Security Council welcomes the protocol signed by the Government of Croatia and the Government of the Federal Republic of Yugoslavia on 10 December 2002, establishing a provisional cross-border regime on the Prevlaka peninsula, as referred to in the letter from their representatives dated 10 December 2002. The protocol represents a further step forward in the process of strengthening of confidence and good-neighbourly relations between both countries. The Council welcomes the commitment of both Governments to continue negotiations on Prevlaka with a view to amicably resolving all outstanding issues, and commends their diplomatic efforts to bolster peace and stability in the region.

The Council commends the important role played by the United Nations Mission of Observers in Prevlaka in helping to create conditions conducive to a negotiated settlement of the dispute. The Council takes this opportunity to express its appreciation for the efforts of all Mission personnel, past and present, and its gratitude to those countries that contributed personnel or other resources in the successful completion of its mandate.

UN Mission of Observers in Prevlaka (UNMOP)

The United Nations Mission of Observers in Prevlaka continued in 2002 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 authorities in Belgrade and Zagreb in order to address issues arising from the implementation of Security Council resolution 1362(2001) [YUN 2001, p. 326]. UNMOP comprised 27 military observers under the command of Chief Military Observer Colonel Rodolfo Sergio Mujica (Argentina). Its area of responsibility consisted of two UN-designated zones: the demilitarized zone (DMZ) (Yellow Zone) and the UN-controlled zone (Blue Zone).

The Council extended UNMOP's mandate three times during the year, to 15 July and to 15 October, and for a final period to 15 December.

Although an independent mission, UNMOP was treated, for administrative and budgetary purposes, as part of UNMIBH. (For the financing of UNMOP, see p. 364).

Report of Secretary-General (January). The Secretary-General, in his 2 January report on UNMOP [S/2002/1], said that the situation in the Mission's area of responsibility remained calm. The steps taken by the parties to form a commission to address the issue of their common border were welcome, as was the ongoing process of bilateral consultations. UNMOP stood ready to assist in the development of practical arrangements to give effect to any agreement the parties might reach.

Despite the generally positive situation, violations of the agreed security regime continued. In the UN-controlled zone, the remaining small numbers of Croatian police and Montenegrin Border Police had to be removed and the entry
of unauthorized civilians to the zone by the two sides prevented. The illegal checkpoints at Cape Kobila, which interfered with the free movement of the UN military observers within the zone, had to be removed to the boundaries of the zone or their continued operation regulated by an agreement, and Croatia should lift its restrictions on the free movement of UN military observers in the DMZ.

The Secretary-General said that he welcomed the commencement of demining by Croatia in the northern part of the DMZ and called for extending it to other areas of that zone. He also called on the authorities of both sides to keep UNMOP fully informed of their demining activities.

To ensure that the area remained calm and that conditions conducive to reaching a negotiated settlement were maintained, he recommended that UNMOP’s mandate be extended until 15 July. Croatia, on 7 January [S/2002/29], commended UNMOP’s work and stated that greater confidence-building and stability in the region had been created by enhanced freedom of movement on the peninsula as a result of the opening of the Debeli and Konfin border crossings. Since the security situation in Prevlaka no longer represented a threat to the region’s peace and security, Croatia felt that the Council should consider ending UNMOP’s mandate. Stating that it would accept a final six-month extension of that mandate, Croatia invited the Council to terminate the mandate on 15 July, to support the demilitarization of the area on both sides of the border and to stress the need for the swift finalization of the work of the Commission.

SECURITY COUNCIL ACTION


The Security Council,


Having considered the report of the Secretary-General of 2 January 2002 on the United Nations Mission in Observers in Prevlaka,

Recalling the letter dated 28 December 2001 from the Chargé d’affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations addressed to the President of the Security Council and the letter dated 7 January 2002 from the Permanent Representative of Croatia to the United Nations addressed to the President of the Security Council, concerning the disputed area 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 25 August 1996,

Noting with satisfaction that the overall situation in the area of responsibility of the Mission has remained stable and calm, and encouraged by the agreement of both sides to establish the interstate Border Commission,

Commending the role played by the Mission, and noting also that the presence of the United Nations military observers continues to be important in 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 United Nations and Associated Personnel of 9 December 1994 and the statement by its President of 10 February 2000,

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 2002, and requests the Secretary-General to continue to report to the Council where appropriate;

2. Reiterates its calls 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 continuing progress in the normalization of relations between the Governments of the Republic of Croatia and the Federal Republic of Yugoslavia and the establishment of the interstate Border Commission, and urges the parties to accelerate efforts towards a negotiated settlement of the disputed issue of Prevlaka in accordance with article 4 of the Agreement on Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia;

4. Encourages the parties to consider all confidence-building measures, including the options provided to them pursuant to resolution 1252(1999), that could help to 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 and on progress in beginning the work of the interstate Border Commission;

6. Requests the United Nations military observers and the multinational Stabilization Force authorized by
the Council in resolution 1088(1996) and extended by resolution 1357(2001) to cooperate fully with each other:

7. Decides to remain seized of the matter.

Report of Secretary-General (June). On 28 June [S/2002/713], the Secretary-General reported that calm and stability prevailed in the demilitarized and the UN-controlled zones. However, in continued violation of the agreed security regime in the UN-controlled zone, Croatian police and Montenegrin Border Police were usually stationed inside the zone in varying numbers. The Croatian police carried out improvements to their observation positions and conducted regular foot and vehicle patrols throughout that part of the zone accessible to them. Croatia and Montenegro also continued to operate manned checkpoints in the zone in implementation of the crossing regime they had initiated at Cape Kobila in 1999 [YUN 1999, p. 30].

During the reporting period, a number of visits to the UN-controlled zone by non-UN personnel, primarily from the Croat side, were made in violation of the established rules and were accordingly protested, as were overflights by unidentified aircraft destined for the FRY province of Kosovo, and the overflight on 8 June by United States military helicopters. The Croatian authorities continued to permit civilians, including local and foreign tourists, to enter the zone, as did the Montenegrin authorities into that part of the zone overseen by them, though in substantially fewer numbers. Other daily unauthorized entries were made by small fishing or pleasure craft from both the Croatian and Montenegrin sides. Given the large number of persons entering the zone without authorization, UNMOP remarked suspected minefields as a precaution against accidents.

With minor exceptions, both parties respected the DMZ. While UN military observers enjoyed unrestricted freedom of movement on the Yugoslav side of the zone, the Croatian authorities maintained their requirement that UNMOP provide advance written notice before undertaking patrols in the northern region. A commercial company conducted limited mine clearance in the northern part of the Croatian demilitarized zone.

The Secretary-General remarked that, while none of the violations of the security regime recorded in the UN-controlled zone gave rise to security concerns, they showed a disregard for the security regime and undermined respect for mutual security agreements. He urged all concerned to ensure full respect for the security regime and to relocate the manned checkpoints at Cape Kobila to the boundaries of the zone or to legitimize their operation by agreement between the parties.

The Secretary-General was encouraged by the progress made by the parties towards resolving their dispute over Prevlaka. He hoped that they would be able to agree in the foreseeable future on a transitional border-crossing regime, which would allow UNMOP to withdraw. Meanwhile, he recommended that UNMOP’s mandate be extended for a further three months until 15 October. Should the parties reach an agreement before then, he would revert to the Council without delay.

SECURITY COUNCIL ACTION


The Security Council,


Having considered the report of the Secretary-General of 28 June 2002 on the United Nations Mission of Observers in 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, and encouraged by the progress made by the parties in normalizing their bilateral relationship,

Commending the role played by the Mission, and noting that the presence of the United Nations military observers continues to be important in 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 United Nations and Associated Personnel of 9 December 1994 and the statement by its President of 9 February 2000,

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 October 2002, and requests the Secretary-General to report to the Council prior to this date, as appropriate;

2. Reiterates its calls 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 continuing progress in the normalization of relations between the Governments of the Republic of Croatia and the Federal Republic of Yugoslavia and the establishment of the interstate Border Commission, and urges the parties to accelerate efforts towards a negotiated settlement of the disputed issue of Prevlaka in accordance with article 4 of the Agreement on Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia, and expresses its intention to review the duration of the authority given in paragraph 1 above if the parties inform the Council that a negotiated agreement has been reached as described in section V of the report of the Secretary-General of 28 June 2002;

4. Decides to remain seized of the matter.

Report of Secretary-General (October). The Secretary-General reported on 2 October [S/2002/1101] that, in addition to the prevailing calm and stability in the two UN-designated zones—albeit with continuing unauthorized entries into them by non-UN personnel—a further sign of the normalizing situation in the peninsula had occurred: UNMOP had authorized a visit to the zone by a group of 15 military attachés from UNMOP troop-contributing countries and Security Council members, organized at the initiative of Croatia’s Ministry of Defence without any objection from FRY.

The Secretary-General observed that, from the briefings given to the Chief Military Observer and the Secretariat, the parties were working in good faith, with a determination to reach an interim agreement on normalizing the situation on the ground at the earliest. He was convinced that, in the near future, they would be able to narrow their remaining differences to the point where UNMOP’s presence would no longer be needed. In view of that, and given the lengthy period of calm and stability in the UNMOP area of responsibility, he recommended that UNMOP’s mandate be extended for two months until 15 December, with its withdrawal to be completed by 31 December. Should the parties reach agreement before 15 December, he would request the Council to shorten that time frame.

SECURITY COUNCIL ACTION

On 11 October [meeting 4622], the Security Council unanimously adopted resolution 1437 (2002). The draft [S/2002/1135] was prepared in consultations among Council members.

The Security Council,

Having considered the report of the Secretary-General of 2 October 2002 on the United Nations Mission of Observers in 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 thereof, 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, and encouraged by the progress made by the parties in normalizing their bilateral relationship, in particular through negotiations aimed at finding a transitional arrangement for the Prevlaka peninsula,

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

1. Authorizes the United Nations Mission of Observers in Prevlaka to continue monitoring the demilitarization of the Prevlaka peninsula, as a last extension of its mandate, until 15 December 2002;

2. Requests the Secretary-General to prepare for the termination of the mandate of the Mission on 15 December 2002 by gradually reducing the number of personnel and concentrating its activities in a way that reflects the stable and peaceful conditions in the area and the normalization of relations between the parties;

3. Also requests the Secretary-General to report to the Council on the completion of the mandate of the Mission;

4. Reiterates its calls upon the parties to comply with 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;

5. Welcomes continuing progress in the normalization of relations between the Governments of the Republic of Croatia and the Federal Republic of Yugoslavia,
via and the establishment of the interstate Border Commission, and urges the parties to accelerate efforts towards a negotiated settlement on the disputed issue of Pevlaka in accordance with article 4 of the Agreement on Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia.

6. Expresses its readiness to review the duration of the authority given in paragraph 1 above, with a view to shortening the time frame, if the parties so request;
7. Decides to remain seized of the matter;

**Report of Secretary-General (December).** In his final report on UNMOP, issued on 11 December [S/2002/1541], the Secretary-General stated that, in view of the prevailing peaceful conditions in the UN-designated zones and of the scheduled withdrawal of UNMOP, the Mission closed its team sites in Gruda and Herceg Novi in November but continued to maintain its 24-hour presence at the site in the Ostra peninsula and at the headquarters in Cavat.

The Secretary-General welcomed the Protocol signed by Croatia and FRY on 10 December (see p. 340). He said bilateral relations between the parties had advanced sufficiently so that an international monitoring mechanism was no longer required. Demilitarization was not in question and it was generally understood that there was no risk of renewed hostilities. However, given the presence of mines, unexploded ordnance and ammunition in the area of handover, a small core staff would remain beyond 15 December, but not beyond 31 December, to ensure a safe and orderly handover.

The Secretary-General observed that the responsibility for settling the dispute rested with Croatia and FRY, and he trusted that they would build on the UN achievements. Throughout a turbulent decade in the Balkans, UNMOP had contributed to insulating Pevlaka from the surrounding conflicts and tensions, demonstrating that even a small UN presence, properly conceived and executed, could make a difference.

**Security Council consideration.** Introducing the Secretary-General’s report before the Council on 12 December [meeting 4642], the Under-Secretary-General for Peacekeeping Operations said that the signing by Croatia and FRY of the Protocol on the interim regime along the southern border between the two States on 10 December was a significant step forward on the way to full normalization of their relations. For the United Nations, it meant that UNMOP could withdraw with the confidence that its work had been successfully accomplished. The signing of the Protocol also paved the way for a smooth and orderly handover of the UNMOP area of responsibility to the local authorities. An expert team from Croatia was already on the peninsula to work with UNMOP on the technical aspects of the handover of the former naval base and its lighthouse. FRY had also nominated personnel to conduct the handover on its side. UNMOP had started repatriating its personnel, which, by 12 December, had been reduced to 10 military observers, 3 of whom would remain to liaise with representatives of both sides to ensure the effective completion of the handover.

(For the Council President’s related statement, S/PRST/2002/34, on the Secretary-General’s report, see p. 340.)

**Bosnia and Herzegovina**

In 2002, the United Nations successfully concluded its assistance to the two entities comprising the Republic of Bosnia and Herzegovina—the Federation of Bosnia and Herzegovina (where mainly Bosnian Muslims (Bosniacs) and Bosnian Croats resided) and Republika Srpska (where mostly Bosnian Serbs resided)—in implementing the 1995 General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (the Peace Agreement) [YUN 1995, p. 544]. That was accomplished through the activities of the Office of the High Representative responsible for the Agreement’s civilian aspects [YUN 1996, p. 293] and the United Nations Mission in Bosnia and Herzegovina (UNMIBH) [ibid., p. 294], the key components of which were the International Police Task Force (IPTF) and the Mine Action Centre (MAC). Those entities worked in cooperation with the multinational Stabilization Force (SFOR), led by the North Atlantic Treaty Organization (NATO), which had responsibility for the Agreement’s military aspects. The Peace Implementation Council (PIC) and its Steering Board continued to oversee and facilitate the Agreement’s implementation.

In February, the European Union (EU), in anticipation of the end of UNMIBH’s mandate, announced its intention to establish the EU Police Mission (EUPM) to ensure follow-on to UNMIBH from 1 January 2003. As a result, the international presence in Bosnia and Herzegovina was streamlined. During the year, the United Nations and the EU cooperated to ensure a smooth transition of responsibility. At the political level, Bosnia and Herzegovina’s leadership reached final agreement in March on amendments to the entities’ constitutions, paving the way for general elections, which took place in October.

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Transition to new international civilian presence

Communication. On 18 February [S/2002/212], Spain transmitted to the Secretary-General the conclusions of the General Affairs Council of the EU concerning future arrangements in Bosnia and Herzegovina. The Council offered to establish EUPM to take over from IPTF following the end of the UNMIBH mandate. Scheduled to function from 1 January 2003 until the end of 2005, EUPM would address all aspects of the rule of law, including mutually supportive and reinforcing institution-building programmes and police activities; contribute to the overall peace implementation in Bosnia and Herzegovina, as well as to the EU’s overall policy in the region, notably its Stabilization and Association Process; and, with monitoring, mentoring and inspection authority, establish sustainable policing arrangements under the country’s ownership in accordance with European and international practice. The Council would appoint an EU special representative as the next High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina, who would continue to coordinate with the United Nations and consult with relevant organizations, in particular NATO and the Organization for Security and Cooperation in Europe (OSCE), and establish appropriate contacts with the Bosnia and Herzegovina authorities. In due course, the Council would invite non-EU European NATO members and prospective EU members, as well as non-EU OSCE members currently contributing to IPTF, to contribute to EUPM.

Annexed to the document were EUPM’s mission statement; information on its chain of command, coordination and financing arrangements; and modalities for the participation of third States.

PIC Steering Board meeting. The Political Directors of the PIC Steering Board (Brussels, Belgium, 28 February) [S/2002/250] accepted the offer of the EU General Affairs Council to provide a police mission for three years to ensure the continuing professional development of the Bosnia and Herzegovina police forces, following the end of the UNMIBH/IPTF mandate. The Steering Board welcomed the EU’s intention to coordinate with the United Nations and to consult with relevant organizations and offered its full support to the EU’s efforts to achieve a seamless transition of responsibilities from UNMIBH/IPTF to EUPM. The Board requested the High Representative to inform the UN Secretary-General of its decision.

The Steering Board also noted the EU’s intention to appoint an EU special representative as the next High Representative in Bosnia and Herzegovina. On the EU’s nomination, it designated Lord Paddy Ashdown (United Kingdom) to succeed Wolfgang Petritsch (Austria) in that position, and asked the Security Council to endorse the appointment.

Security Council consideration (March). The High Representative, in his briefing to the Security Council on 5 March [meeting 4484], said that the EU’s decision to establish EUPM to take over from IPTF in January 2003 represented a unique opportunity for the EU to develop its political engagement with Bosnia and Herzegovina and to support structural reform crucial to the Europeanization process.

Under the new streamlined international civil implementation structures in Bosnia and Herzegovina, the PIC Steering Board would remain as the overall board of directors, with a cabinet-style body of international agency heads, chaired by the High Representative and responsible for cross-cutting policy development, supported by an inter-agency situation group. At the centre would be four task forces to cover the core strategic areas of economic reform, refugee return, institution-building and the rule of law. The field presence would be restructured on the basis of new joint areas of responsibility and the colocation of all key agencies. That streamlined model would deliver a leaner, less bureaucratic, international community presence with reduced overall costs and was being put into effect immediately.

The High Representative said that peace implementation had reached the final stage, where more had to be done with fewer resources, and everything had to be prepared for a handover to the local authorities. He was convinced that Bosnia and Herzegovina would be a viable State if the overall plan continued to be implemented with firmness and consistency.

Javier Solana, Secretary-General of the EU Council and High Representative for Common Foreign and Security Policy, told the Council that EUPM, to which 20 countries had been invited to contribute, was an example of the EU’s willingness and ability to work closely with the United Nations and was in line with the recommendations of the Brahimi report on UN peace operations [YUN 2000, p. 83]. Both organizations were aware of the need to establish practical arrangements to ensure a smooth and seamless transition between IPTF and EUPM. Mr. Solana added that the EU had provided Bosnia and Herzegovina and the wider region with the prospect of eventual integration with the EU, progress towards which lay entirely with Bosnia and Herzegovina itself.
On 5 March [meeting 4484], the Security Council unanimously adopted resolution 1396(2002). The draft [S/2002/221] was prepared in consultations among Council members.


Recalling also the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the “Peace Agreement”), and the conclusions of the Peace Implementation Conferences held in Bonn on 10 and 11 December 1997, Madrid on 16 and 17 December 1998 and Brussels on 23 and 24 May 2000,

Welcoming the conclusions of the Steering Board of the Peace Implementation Council on 28 February 2002 as well as the conclusions of the General Affairs Council of the European Union of 18 February 2002,

Expressing its appreciation to the Secretary-General, his Special Representative and the personnel of the United Nations Mission in Bosnia and Herzegovina, which includes the International Police Task Force, for their contributions to the implementation of the Peace Agreement and preparations for the efficient transition to the follow-on to the Mission,

1. Welcomes and agrees to the designation by the Steering Board of the Peace Implementation Council of 28 February 2002 of Lord Ashdown as High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina, in succession to Mr. Wolfgang Petritsch;

2. Expresses its appreciation to Mr. Wolfgang Petritsch for his achievements as the High Representative;

3. Welcomes the acceptance by the Steering Board of the Peace Implementation Council on 28 February 2002 of the offer made by the European Union to provide a European Union police mission from 1 January 2003, to follow the end of mandate of the United Nations Mission in Bosnia and Herzegovina as part of a coordinated rule of law programme, and the intention of the European Union also to invite States that are not members of the European Union to participate in the police mission;

4. Encourages coordination between the Mission, the European Union and the High Representative in order to ensure a seamless transition of responsibilities to the International Police Task Force to the European Union police mission;

5. Welcomes the conclusions of the Steering Board of the Peace Implementation Council of 28 February 2002 concerning the streamlining of the international civilian implementation effort in Bosnia and Herzegovina;

6. Reaffirms the importance it attaches to the role of the High Representative in pursuing the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively 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;

7. Reaffirms also the final authority of the High Representative in theatre regarding the interpretation of annex 10 on civilian implementation of the Peace Agreement;

8. Decides to remain seized of the matter.

Implementation of Peace Agreement

PIC Steering Board meeting. At its 28 February meeting [S/2002/230], the PIC Steering Board welcomed the opportunity to meet with UNMIH, OSCE, the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Development Programme (UNDP), the International Monetary Fund (IMF) and the World Bank to recalibrate and streamline the international civilian implementation effort in Bosnia and Herzegovina. It also welcomed the work of that country’s Election Commission in preparing for the first general elections under local responsibility on 5 October (see p. 349). In that regard, it underlined the responsibility of the Bosnian political leaders and institutions to ensure that the Bosnian people were able to exercise their democratic rights. It appreciated the secondment of OSCE core staff to the Election Commission secretariat and the initial financing provided to the Commission by the local authorities. The Steering Board urged the country’s political leadership to reach a final agreement by mid-March on the implementation of the decision of the Bosnia and Herzegovina Constitutional Court on the Constituent Peoples’ Case [YUN 2000, p. 349] so as to allow the elections to proceed as scheduled. The Steering Board endorsed the streamlined task force model presented by the High Representative (see p. 345) and welcomed the integration of Bosnia and Herzegovina authorities into the model’s structures. The Board also endorsed the High Representative’s proposed strategy for judicial reform in 2002-2003 (see pp. 347, 348 and 350) to strengthen rule-of-law efforts and the restructuring of the court system. It invited the Council of Europe and other relevant institutions to help the Office of the High Representative and the Independent Judicial Commission (IJC) refine the strategy’s implementation plan. The Board insisted on the need for measures to build an independent and efficient judicial system that enjoyed public confidence and enhanced the environment for foreign investment. Under its new mandate, IJC should be self-managed and directly accountable to its donors; it would continue to take policy direction from and be responsible to the High Representative.

The Steering Board attached great importance to the apprehension of Radovan Karadzic and all...
others indicted by the International Tribunal for the Former Yugoslavia (ICTY) (see p. 1275). It urged domestic authorities to arrest them without delay and called on all indictees to turn themselves in voluntarily.

Security Council consideration (March). Addressing the Security Council on 5 March [meeting 4484], the High Representative said that ICTY’s work and the cooperation given to it by the Bosnia and Herzegovina authorities at the State level and in both entities were crucial to the country’s overall recovery. The entity of Republika Srpska should be left in no doubt that, as long as it failed to live up to its obligations, it would not receive the full backing of the international community. In that context, the High Representative said he was convinced that, unless Radovan Karadžić, Ratko Mladić and other indictees ended up at ICTY in The Hague, people would not be able to turn the page and look to the future. Although the Serb Democratic Party (SDS), founded by Karadžić, had announced the expulsion of members indicted for war crimes, it would have to show practical and public support for ICTY before credence could be given to that statement.

If approved by ICTY under the 1996 Rome Agreement, commonly known as the “Rules of the Road” procedure [YUN 1996, p. 1157], war crimes cases might be tried in Bosnia and Herzegovina courts (see p. 1281). In that regard, the Office of the High Representative was currently discussing with ICTY and the UN Office of Legal Affairs the ICTY Prosecutor’s proposal to remit ICTY cases to Bosnia and Herzegovina, with a view to cooperating on a consultancy project, funded by the United Kingdom and Sweden, which would identify resources needed to try more war crimes cases in Bosnia and Herzegovina.

While international rule-of-law efforts had yielded results, progress in some areas had fallen short of expectations because the judiciary had not yet been thoroughly reformed. IJC, established in 2000 [YUN 2000, p. 351], reported that judges and prosecutors, many of whom gained office during or immediately after the war on ethnic or political rather than professional grounds, were often unfit to carry out their duties. Adequate financing was lacking, and courts were often subjected to undue external influence.

The High Representative reported that he had presented a reinvigorated programme of judicial reform measures for 2002-2003 to the February meeting of the PIC Steering Board (see p. 346), that combined restructuring of the Bosnia and Herzegovina court system and a depoliticized appointment procedure, with the introduction of a High Judicial Council. It also encompassed the reform of key laws, including civil and criminal procedure codes. The Council of Europe had been invited to work on the details of the strategy in order to develop a judicial system compatible with modern European standards.

The High Representative stated that the main political parties were discussing how to implement the Constitutional Court’s decision [YUN 2000, p. 349] on the constituency of peoples throughout Bosnia and Herzegovina, which would test whether the country would develop into a State committed to human rights and the rule of law, and to the protection of the individual and of all its constituent peoples. He stressed that the current constitutional discussions had to produce a successful outcome within days so that the entity constitutions and the country’s Election Law could be amended in time to hold general elections in October. Those elections would test whether the country would develop into a State committed to human rights and the rule of law, and to the protection of the individual and of all its constituent peoples. He stressed that the current constitutional discussions had to produce a successful outcome within days so that the entity constitutions and the country’s Election Law could be amended in time to hold general elections in October. Those elections, the first post-war polls organized by domestic authorities, would introduce a four-year election cycle, which should further enhance the stability of the political system.

As the rule of law had begun to take hold, the number of returning refugees throughout Bosnia and Herzegovina had increased to more than 92,000 in 2001, a 36 per cent increase over the figure for 2000. If maintained at that rate, mass return would be completed within two years.

Since the end of 1997, more than 102,000 (41 per cent) of all property claims had resulted in repossession in all of Bosnia and Herzegovina. That rate would soon reach 50 per cent, thus meeting a key EU condition. However, adequate funding needed to be sustained until completion of the return process.

The Srebrenica massacre [YUN 1995, p. 329] had left a legacy of war more bitter than any other. The United Nations Recovery Programme for Srebrenica (see p. 355), which addressed that region’s extraordinary social and economic problems, would underpin international community efforts in the context of the action plan to facilitate returns to Srebrenica. Following the High Representative’s decision setting aside land for a cemetery and a memorial at Potocari near Srebrenica [YUN 2000, p. 355], a marker stone at the site had been formally installed in 2001 [YUN 2001, p. 342]. The proposal by the associations of the victims’ families to add the nearby Battery Factory site as a location for the memorial was under consideration, and a property assessment of the site, funded by the United States, was under way. The High Representative urged those associations to proceed without delay to plan for the burial of
the remains that had been exhumed and prepared for internment.

Civilian aspects

Office of High Representative

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, promoting respect for human rights and the holding of free and fair elections. The High Representative, who chaired the PIC Steering Board and other key implementation bodies, was the final authority with regard to implementing the civilian aspects of the Peace Agreement [ibid., p. 547]. UNMIBH, which comprised a UN civilian office, IFPIF and 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 Steering Board met during 2002 at the level of ambassadors and political directors on 28 February, 21 and 27 March, 19 April, 7 May, 31 July, 20 and 24 September and 21 November.

Reports of High Representative. The High Representative, Wolfgang Petritsch (Austria) until 27 May, and Lord Ashdown (United Kingdom) as from that date, reported to the Security Council through the Secretary-General on the peace implementation process during the year, covering the periods 26 August 2001 to 19 February 2002 [S/2002/209]; 20 February to 7 May [S/2002/347]; and 8 May to 11 October [S/2002/1076]. Those reports described progress in the implementation of the Peace Agreement’s civilian aspects, which the High Representative had been mandated to monitor, mobilize and coordinate. (For details of the reports’ specific topics, see below.)

Implementation priorities

Security Council consideration (October). The new High Representative, Lord Ashdown, in his first briefing to the Security Council on 23 October [meeting 4631], outlined the priorities for his term of office, which were to achieve justice and jobs through reform; details for their implementation were set out in a document agreed with Bosnia and Herzegovina authorities entitled “Justice and Jobs”. A start had been made in establishing the rule of law, by reorganizing the international community’s presence in the country. The Office of the High Representative was establishing a new unit to tackle crime and corruption, and had already established a legal reform unit, staffed almost entirely by Bosnians, to rewrite BiH law. Together with the country’s authorities, the Office had begun the long-overdue restructuring of the entire court system and to ensure that only honest judges and prosecutors administered the law. Already established were the High Judicial and Prosecutorial Council, a special chamber in the State Court and a special department in the Office of the Prosecutor to tackle organized crime.

The centrepiece of the judicial reform effort was the new Court of Bosnia and Herzegovina. Before a workable justice system could be achieved, however, increased efforts were needed to establish outstanding key pieces of legislation central to the pursuit of justice, such as a new State criminal code and criminal procedure code, which were shortly to be presented for enactment. The new Court also needed the international community’s help in securing experts and resources to implement witness protection, anti-money-laundering and asset forfeiture programmes, as well as judges and prosecutors to mentor and guide local judges and prosecutors in implementing the new justice system. Substantial support was also required to train local judges, prosecutors, the defence bar and police and court officials in the use of the new criminal code soon to be introduced.

The country’s economy was a further front of reform. Some headway had been made in recent months with the enactment of an amendment to the State law on civil aviation, laws on entity electricity and on banks, the Federation law on concessions and the State veterinary law. A simplified business registration system remained to be instituted. However, none of the reforms would make a difference unless they were implemented and unless the Government changed its way of operating. The equivalent of some 300 million euros, one and a half times the entire State budget, were lost yearly to corruption and smuggling, as were about 30 million euros in just over a month through sales tax evasion. The Office had, therefore, proposed replacing the corruption-prone sales tax with a modern value-added tax system at the State level, and had asked the European Commission to recommend ways of working with the Bosnia and Herzegovina authorities to reform the customs system so as to cut fraud and boost revenues.

As to Bosnia’s central Government, the Office was proposing to end the system of ethnic rotation in the Council of Ministers, which institutionalized instability, and to give its Chair professional civil service support (see p. 351).

In addition to those key structural reforms, coupled with aggressive economic reforms to
bring to fruition the core agenda of justice and jobs, the Office needed to press ahead with reorganizing and downsizing the armed forces. The High Representative further stated his determination to hand over, by the end of 2003, management of the refugee return programme to the Bosnia and Herzegovina authorities. To realize that goal, he appealed for continued support and funding, including for building the management capacity of local institutions. He expressed concern that some of the largest donors were prematurely scaling back their 2003 funding for the programme.

To provide focus and discipline to the efforts of his Office, the High Representative had instructed his staff to draw up a mandate implementation plan, setting out its core tasks, with measurable benchmarks and proposals for accomplishing them, for presentation to the 21 November meeting of the PIC Steering Board.

Civil affairs

In his May report [S/2002/547], the High Representative noted that Bosnia and Herzegovina had made significant strides towards a progressive transfer of ownership to its citizens and institutions—progress recognized by the Council of Europe when it granted the country full membership in the Council on 24 April.

Failure of the hard-line leadership of the Bosnian Croats to establish a third entity (so-called “Croat Self-Rule in Bosnia and Herzegovina” [YUN 2001, p. 391]) had led to a crisis in the Nationalist Croat Democratic Party (HDZ). After refusing to step down from their leadership positions in that party, Ante Jelavic and his associates resigned on 4 May, finally putting an end to the pursuit of a third entity.

In February, the Council of Ministers adopted the Civil Service Law aimed at creating a cadre of civil servants at the State level through merit selection (see p. 351). The High Representative imposed several amendments to the Election Law in April, allowing the elections of the country’s main institutions to be held as scheduled on 5 October (see below).

In October [S/2002/176], the High Representative reported that, to clear the way for a new beginning following the elections and to finish the work of the last Government, he had issued a number of decisions on 6 October, including those amending the immunity laws to bring the country’s practices in line with European standards by restricting the scope of the immunity provision to actions carried out strictly in the performance of official duties and limiting the number of officials covered by immunity. He also gave the force of law to the constitutional amendments agreed by the political parties in March (see below) and imposed in April in both the Federation and Republika Srpska.

The Office of the High Representative continued to support and coordinate work on the Srebrenica-Potocari Memorial and Cemetery. The concept design as agreed by a selection jury was approved by the Foundation’s Executive Board on 18 September. A ground-breaking ceremony took place on 11 October.

Constitutional reform. The High Representative noted in his May report [S/2002/547] that negotiations by the main Bosnia and Herzegovina parties for amending the constitutions of the country’s two entities to ensure protection of the rights of all of their constituent peoples, in accordance with the 2000 Constitutional Court decision [YUN 2000, p. 340], had been successfully concluded under his auspices. The results were formalized on 27 March in the Mrakovica-Sarajevo Agreement, which contained key elements for the implementation of the Court decision. The resultant changes to the entities’ constitutions, as passed by their respective parliaments, reflected full respect of the Agreement, with a few elements imposed by the High Representative’s 19 April decision, to correct three amendments in respect of Republika Srpska and to complete a parliamentary procedure in the Federation that secured a mandatory two-thirds majority in its lower House. The political leadership of Republika Srpska further accepted the Agreement’s provision that Bosniacs and Croats should also be given positions in that entity’s Government, legislature and judiciary.

Communication. Following the amendment of the constitutions described above, the EU, on 23 April [S/2002/490], commended the two entities’ political leaders for having brought that process to a successful close. It also commended the High Representative’s efforts in that regard. It encouraged all leaders to implement the constitutional reforms swiftly.

General elections

General elections were held on 5 October, the first to be organized and run by Bosnia and Herzegovina authorities rather than by OSCE, the High Representative reported in October [S/2002/176]. Contested by 57 political parties, nine coalitions and three independent candidates, the elections were efficiently organized and conducted in a peaceful and orderly manner. Voter turnout, at 54.68 per cent, compared to 64.4 per cent in 2000 [YUN 2000, p. 340], was not as high as desired; young people in particular did not vote. Representatives of the Party of Democratic Action (SDA), the Serb Democratic Party (SDS) and HDZ won the Bosnian,
Serb and Croat seats in the three-member Bosnia and Herzegovina Presidency. At the State level and in the elections for the entity parliaments, HDZ and SDS saw their vote drop slightly, while SDA's increased by 5 per cent. The multi-ethnic Social Democratic Party (SDP), the central party in the “Alliance for Change” coalition that governed at the State and Federation levels, lost the biggest share of the vote, dropping from 27.3 per cent to 16.2 per cent.

The High Representative said he did not share the analysis of the international press that the election results were a vote for a return to nationalism. Rather, the low turnout represented a protest at the slow pace of reform in the country, punishing the parties that had been in government for the preceding two years.

Refugees

As reported by the High Representative in October [S/2002/1076], the number of refugee returns to and within Bosnia and Herzegovina registered by UNHCR in 2002 had risen from some 820,000 to well over 880,000. The total for the first seven months of the year was higher than that for the same period in 2001, promising an overall number to equal, if not surpass, the nearly 100,000 registered in 2001.

Property Law Implementation Plan (PLIP) statistics had also risen, from 49 per cent of claims resolved in December 2001 to nearly 60 per cent by August 2002. However, as well over 100,000 property claimants were still denied return to their homes, PLIP agencies, on 12 September, launched a New Strategic Direction Initiative demanding stricter adherence to the property laws through greater transparency in claims processing, respect for the legally required chronological processing of claims and a tougher line on evictions. In addition, Republika Srpska, on 9 March, issued an instruction setting up commissions to review illegally allocated apartments that were subsequently privatized. On 16 April, the High Representative issued two decisions lifting the freeze he had imposed in 2001 on the Republika Srpska law on the privatization of socially owned apartments, as well as a similar freeze in place in the Federation.

At the regional level, some 21,000 Croatian Serb refugees remained in Bosnia and Herzegovina, in many cases occupying Bosniac- or Croat-claimed property in Republika Srpska. Their return was being hindered by the continuing absence of appropriate property legislation in Croatia, thus placing an added burden on the Bosnia and Herzegovina authorities to provide alternative accommodation for people required by property laws to vacate claimed property.

War crimes

The High Representative reported in May [S/2002/547] and October [S/2002/1076] that his Office continued to work closely with ICTY to ensure the authorities in Bosnia and Herzegovina, especially those in Republika Srpska, to cooperate more efficiently with it (see p. 1280). Early in the year, he appointed a group of four experts in war crimes prosecutions and the judicial system in Bosnia and Herzegovina to prepare a report on the possibility of prosecuting domestic war crimes cases in the soon-to-be-established Court of Bosnia and Herzegovina and/or in other domestic courts. Their report, issued in May, identified the Court of Bosnia and Herzegovina as the suitable domestic institution to deal with such cases, either referred from ICTY or initiated domestically. The consultants made specific recommendations and suggestions in terms of legislation and practical aspects to enable that Court to fulfil its tasks. The Criminal Investigation and Prosecutorial Unit of the High Representative’s Office would work to implement those recommendations, including the establishment of an International Humanitarian Law Division within the Court. The High Representative stated that his overall reform strategy and implementation of the rule-of-law targets would ensure that ICTY’s current concerns about the country’s judicial system with respect to war crimes prosecutions would be addressed.

On 8 February, the High Representative decided that the entity Ministries of Urban Planning, rather than the municipal authorities, were responsible for issuing the relevant permits for the reconstruction of monuments demolished during the war.

Judicial reform

In May [S/2002/547], the High Representative reported that the work of IJC, established in 2000 [YUN 2000, p. 351], pointed to structural shortcomings in both the judicial disciplinary systems and the legal framework. As a result, the PIC Steering Board, meeting at the political directors level on 28 February (see p. 546), endorsed his programme of action for judicial reform and, on 7 May, welcomed his plan to ensure completion of the first phase, which involved depoliticizing the regulation of the legal profession and ensuring the establishment of training institutes in both entities, to be coordinated by the proposed single High Judicial and Prosecutorial Council. That Council would lay the foundation for the judiciary’s further reform, including the restructuring of the court and prosecutorial systems.

The High Representative further reported in October [S/2002/1076] that, apart from the estab-
lishment of a new unit to tackle crime and corruption and of a new Legal Reform Unit, the process of restructuring the court system at all levels, in cooperation with the Bosnia and Herzegovina authorities, had begun. The High Judicial and Prosecutorial Council, responsible for the appointment of all judges and prosecutors and for conducting disciplinary proceedings against them, had been established. In June, the Office of the High Representative proposed to Parliament draft laws to strengthen the criminal justice system by the creation of special panels in the Criminal and Appellate Divisions of the Bosnia and Herzegovina Court and of a special department in the Office of the Prosecutor, for organized crime, economic crime and corruption. The PIC Steering Board endorsed those goals at its 31 July meeting. In August, the High Representative put in place the Law on Amendment to the Law on the Court of Bosnia and Herzegovina and the Law on the Office of the Prosecutor, and issued decisions harmonizing the prosecutorial system in the Federation and in Republika Srpska. On 23 September, the Bosnia and Herzegovina authorities presented a joint judicial reforms programme to the PIC Steering Board. Part of the jobs and justice agenda (see p. 348), that programme included key pledges ensuring respect for the rule of law by Government and Parliament; creating a legal framework based on an integrated justice system that worked in the interests of citizens and business; fully supporting an efficient and effective justice system; and giving the criminal justice system the tools to fight crime and corruption.

In cooperation with UNMIBH/IPTF, good progress was also being made on establishing the State Information Protection Agency, on certifying the police and on training special police units capable of taking on organized crime.

Public administration reform

The High Representative, in his October report [S/2002/1176], said that efforts continued to eliminate patronage and establish a professional, apolitical and merit-based civil service sector in accordance with European standards. Following the imposition of the State-level Civil Service Law on 23 May, the Council of Ministers confirmed the appointment of the first head of the Civil Service Agency. The Office of the High Representative was working closely with the international community and domestic authorities to make the new Agency fully operational as soon as possible. It was also examining ways of implementing some of the most difficult aspects of the 19 April constitutional amendments (see p. 349) in public administration. A special expert group was discussing ways of introducing proportional representation of all constituent peoples in all public institutions and ministries at the entity level.

In relation to financial crime and corruption, the High Representative reported that he had been forced on 14 June to remove the Federation’s Deputy Prime Minister and Minister for Finance, Nikola Grabovac, from office following the scandal involving the fraudulent transfer of the equivalent of some $800,000 of public funds into private hands. While the decision did not reflect criminal responsibility on Mr. Grabovac’s part, he had clearly failed to actively supervise his Ministry and effectively perform the duties of his office.

Media issues

Priority continued to be given to developing an independent media, free of nationalist bias. A significant element in the implementation of the High Representative’s second media decision [YUN 2000, p. 335], on the restructuring of the Bosnia and Herzegovina Public Broadcasting System (PBS), was the launching in May of the countrywide PBS news. The drafting of legislation for restructuring the new PBS was nearing completion. In January, the Office of the High Representative took over the Free Media Help Line project from OSCE, which assisted journalists and media outlets in the event of interference with or threats and intimidation against them. The implementation of the Freedom of Access to Information Act had begun at both the State and entity levels. The Act on Protection against Defamation was in force in Republika Srpska but was yet to be adopted by the Federation parliament.

The Communications Regulatory Agency had successfully completed the second phase of its licensing process by which an assessment was made of each radio and television station with regard to programme content, financial viability and technical capability. The Agency was able to reduce the excessive number of stations—out of 258, 71 per cent were granted long-term licences—thus enhancing the economic viability of the media market.

Economic reform and reconstruction

The High Representative reported [S/2002/1176] that Bosnia and Herzegovina had no choice but to increase the pace of economic reform in the face of a number of serious economic problems. Donor contributions were falling, foreign debt was increasing, little or no foreign direct investment existed to fill the gap, and the country risked being in the grip of a severe domestic debt
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Crisis. The process of economic reform and institution-building continued to face many challenges, especially in Republika Srpska, where continued opposition by that entity’s politicians to the establishment of a single economic space in Bosnia and Herzegovina was impeding the development of the entity itself and the country as a whole. Furthermore, discredited politicians continued to exercise political influence through economic activities, such as control of public companies in strategic sectors.

Nonetheless, progress had been made in a number of areas. The State Law on Civil Aviation, the Entity Electricity Laws, the Federation Law on Concessions, the Entity Laws on Banks and the State Veterinary Law had all been passed. The Bosnia and Herzegovina authorities and international community organizations based in Sarajevo presented a joint economic reform programme to the PIC Steering Board meeting on 30 May. In response, the Council of Ministers and entity Prime Ministers committed their Governments to undertaking specific measures to improve the business environment; make government more efficient; guarantee the free movement of goods, people, services and capital in order to establish a single economic space; deliver high-quality utilities and public services; and provide an affordable safety net for elderly and vulnerable persons. The programme set out specific targets to be achieved, with coordinated international support.

Progress was made in the tax and fiscal structure through the introduction in July of the excise tax allocation mechanism and removal of double excise taxation, making it easier for manufacturers and traders in excisable goods to do business inside the country. With the completion of the legal framework for the electricity sector, the first step in the implementation of the recently adopted State and entity electricity laws was the formation of several State and entity regulatory agencies. Work continued to increase legal certainty in the telecommunications sector and create favourable conditions for future privatization. In June, the Communications Regulatory Agency issued countrywide licences to the three fixed-line network operators and providers of network facilities. The issuance of such licences was an important step towards the creation of a single economic space by allowing service providers to operate countrywide. With the rehabilitation of the transportation infrastructure largely completed, attention was turning towards establishing the legal and regulatory frameworks required to manage operations in a competitive market. The Office of the High Representative set up working groups to develop new State-level railway and road laws. An amendment to the aviation law enabling a more efficient management structure for the Department of Civil Aviation, passed in August, would help to improve the working of that body and its transition from military to civilian control in December. The International Framework Agreement on the Sava River Basin, finalized in September in Brcko, would regulate all aspects of sustainable water management. Under that Agreement, the parties were to establish an International Sava River Basin Commission.

A notable area of success was in the banking and finance sectors, whose existing institutions were undergoing a process of privatization or liquidation, which, the High Representative reported [S/2002/547], should be completed by year’s end. Increasing numbers of companies had registered with the entities’ securities commission, and 2002 saw the advent of stock exchange operations in Sarajevo and Banja Luka, signifying an important component of the country’s transition to a market economy.

UN Mission in Bosnia and Herzegovina (UNMIBH)

Security Council consideration (March). The Secretary-General, speaking before the Security Council on 5 March [meeting 4484], reported that UNMIBH was on track to completing its core mandate by the end of 2002. It had improved and integrated the police, while serving as a voice for coexistence, tolerance and cooperation at all levels of society. It had transformed and reduced the police force from a 40,000-strong wartime militia to a 16,000-strong professional police force. Each police officer had been trained in human rights, as had selected groups in drug control, organized crime and crowd control; two multi-ethnic police academies had been established, in Sarajevo and in Banja Luka; and the State Border Service currently covered 75 per cent of the country’s borders and had reduced illegal immigration through the country by two thirds. Although UNMIBH would complete the peacekeeping phase of police restructuring by year’s end, certain challenges remained for the Bosnians and the international community, which was committed to helping them: low police salaries, poor housing conditions, lack of funds and continued political interference in the work of law enforcement agencies. The Secretary-General welcomed the EU’s decision to establish a post-UNMIBH follow-on mission to be responsible for the next phase of capacity-building in law enforcement, including improving the judicial and penal systems. The United Nations stood ready to cooperate with the EU, the Office of the High Representative and...
others to ensure timely planning and a smooth transition.

The Secretary-General’s Special Representative and UNMIBH Coordinator, in his detailed briefing, said that UNMIBH was steadily progressing towards completing its core mandate on schedule and within budget. It had finalized its 2002 action plan for completing, by December, the remaining projects of the Mandate Implementation Plan. Highlighting some of UNMIBH’s achievements, the Special Representative reported, with respect to police reform, that UNMIBH had completed, in January, the two-year project of registering all 16,919 law enforcement officers currently exercising police powers in Bosnia and Herzegovina and had begun to weed out those suspected of war crimes or other crimes and those violating property laws. Some 2,000 police officers had regularized their housing and a further 3,000 were being vetted. In addition to compulsory human rights and advanced professional training, UNMIBH, in close cooperation with SFOR, had placed particular importance on improving local police capacity in crowd and riot control. In January, UNMIBH and the SFOR multinational support units jointly conducted the first training of 100 members of local police support units.

In police restructuring, a comprehensive systems analysis of 21 police administrations began, also in January. The Brcko District Police Force, established in 2001, served as the model for a democratic, multi-ethnic local police institution. The goal was to accredit those law enforcement agencies that met that model. The expected completion of the project in September would coincide with the final certification of individual police administrations. The representation of minority police had steadily increased, with over 1,050 of them, including 365 women, having been recruited. Some 192 had returned to their pre-war locations through UNMIBH’s voluntary redeployment programme, and 85 former officers had been re-employed following refresher courses. Another 300 minority cadets were expected during the year, and more could be processed once the EU-financed rebuilding of the police academies was completed.

UNMIBH had so far disbursed or committed the $16 million contributed to the United Nations Trust Fund for the Police Assistance Programme for basic police equipment and facilities. In addition, the United Nations Trust Fund for the Restoration of Essential Public Services had supported 471 projects, costing over $17 million. The remaining 64 projects would be completed within the year, at a cost of $4 million.

As to institution-building, the State Border Service had made extraordinary progress. By the end of April, some 88 per cent of the border and all airports would be under its control. Its effective operation, together with the introduction of a partial visa regime and an airport landing card, resulted in a significant decrease in illegal migration through Sarajevo airport, and an estimated 20 per cent increase in customs revenues. UNMIBH also established mechanisms for regional police cooperation through the regular ministerial-level meeting on police and the trilateral Regional Law Enforcement Agreement.

In the continuing effort to aggressively combat human trafficking, special teams of international and local police under the Special Trafficking Operations Programme (STOP) had monitored 270 raids and interviewed 800 women and girls involved in prostitution. Since March 1999, some 410 trafficking victims had been assisted and repatriated to their home countries. The focus had currently shifted to prosecuting traffickers and brothel owners.

According to the Special Representative, the foregoing were some of the milestones inspiring confidence that UNMIBH would achieve its core goals in 2002 and hand over a successful operation to EUPM, including the fact that over 92,000 refugees and displaced persons returned to their homes in 2001 with very few security-related incidents, and Bosniacs were able to celebrate, without incident, their Bajram (religious holiday) at the site of the destroyed Ferhadija mosque in Banja Luka and in other previously difficult areas in eastern Republika Srpska. However, much remained to be done in the remaining 10 months, and some of the challenges were beyond UNMIBH’s resources or authority, including additional funding for major projects; there was a shortfall of $3.5 million for capital and equipment costs to complete the State Border Service and about $1.5 million was needed for the United Nations’ Trust Fund for Police Assistance to complete basic police equipment and facilities.

UNMIBH’s downsizing and mission liquidation planning was well advanced. It would retain around 1,600 IPTF monitors until the October elections, to be downsized to around 600 in preparation for the transition to the EU mission. SFOR would remain until there was full political stabilization and substantial progress in reconciliation.

Report of Secretary-General (June). On 5 June [S/2002/648], the Secretary-General reported on the final stage of police certification, which had begun in January. IPTF handed over to
local police instructors all formal training at the two police academies, and IPTF-approved curricula were introduced at the Junior College in Banja Luka and the Criminal Faculty of the University of Sarajevo. Basic training in community policing for all police officers had been completed, and nearly 1,900 police officers had undertaken various additional courses for enhanced police performance, including on technical and managerial skills.

Police performance had improved at sensitive events, such as religious celebrations and commemorations. Active policing in return areas created the security conditions essential for an unprecedented number of minority returns. While there was no change in the number of reported inter-ethnic incidents (approximately 100) compared to 2001, the number of serious crimes had decreased. Police and municipal officials were more likely to condemn those crimes publicly and to take appropriate additional security measures, but investigations into high-profile inter-ethnic crimes, and subsequent judicial follow-up, remained inadequate.

Progress continued in the introduction of the post of an independent Police Commissioner in each police administration. The legislative framework was finally in place in the Federation cantons for the selection and appointment of permanent Police Commissioners. At UNMIBH’s request, the High Representative imposed laws on internal affairs in all Federation cantons on 23 May, to bring them in line with UNMIBH model legislation, including the two consistently obstructionist Croat-majority western Herzegovina canton 8 and “Herzeg-Bosnia” canton 10. While the Republika Srpska Ministry of the Interior had agreed to introduce all UNMIBH legislative requirements, the Federation Interior Minister continued to undermine and obstruct that project, including by refusing to accept the essential amendments to the current draft Law on Internal Affairs, presented on 11 May in a joint UNMIBH–Office of the High Representative démarche.

Under the continuing programmes for increasing minority representation in the police forces, the number of cadets at the two multi-ethnic police academies rose to 1,164. Thus far, more than half of the 76 former police officers from ethnic minorities who had completed refresher courses had assumed senior-rank positions. Since the start of the voluntary redeployment programme, 165 officers had moved to areas where they represented an ethnic minority. Priority was being given to female representation. The State Border Service and the Federation Court Police were fully multi-ethnic. By May, minority police constituted 15.5 per cent of all provisionally authorized police in the Federation Ministry of the Interior and cantons, and 4.9 per cent in Republika Srpska. However, the number of volunteers for minority positions, particularly in Republika Srpska, had declined due to concerns about low salaries, housing, spouse employment and local education, as well as political obstruction in some areas. To further encourage minority police recruitment, additional financial incentives were needed, such as equalization of police benefits. Although the High Representative decided on 30 April to prioritize property claims by minority police officers so as to facilitate resolution of their housing needs, the Federation Government had failed to implement its commitment to provide salary assistance for police in the Srebrenica area.

The Court Police project was reaching its final stages. Deployment had been completed in six cantons of the Federation and special training of selected officers in VIP protection and management skills continued. Legislation establishing the Court Police in Republika Srpska was under review by the entity’s National Assembly.

UNMIBH established mechanisms for inter-entity and interregional police cooperation, including a shared data bank of 3,000 names on a wanted list and a watch list. On 27 May, the State House of Peoples adopted the law establishing the State Information and Protection Agency, a key UNMIBH-initiated project responsible for the collection, analysis and distribution of criminal data; for security of VIPs, diplomatic facilities and State institutions; and for cooperation and coordination with Interpol. Deployment would begin once the law was adopted by the State House of Representatives in June.

Improved security conditions contributed to the increase in minority returns throughout Bosnia and Herzegovina. UNHCR reported that 20,224 had registered in the first quarter of 2002, a 30 per cent increase over the same period in 2001. Housing reconstruction, for which international contributions were dwindling, posed a great challenge to minority returns. The implementation rate of the Property Law, as amended in December 2001, had increased to an average of 49 per cent nationwide as at March 2002 (54 per cent in the Federation, 43 per cent in Republika Srpska and 51 per cent in the Brcko district). However, implementation remained difficult in some areas, particularly in eastern Republika Srpska, although even there some progress was noticeable.

Regarding reconstruction and rehabilitation, the security and political situation in the wider Srebrenica area in Republika Srpska had stabilized and a promising start had been made on
Bosniac returns to the area and Serb returns to their homes outside it. UNDP, in cooperation with UNMIBH, designed the Srebrenica Regional Recovery Programme, a comprehensive economic and social development plan focused on two-way returns, employment generation, social and community needs of the region and effective local governance. Pledges of $3.6 million were made specifically for the Programme at a donor conference in New York on 15 May.

UNDP had completed the first-ever Living Standard Measurement Study in Bosnia and Herzegovina and had finalized the third UNDP National Human Development Report. Its Aid Coordination Project, involving the State-level Ministry of Foreign Trade and Economic Relations and aid coordination units in both entities, began in December 2001. The United Nations Educational, Scientific and Cultural Organization (UNESCO) assisted in educational reform, particularly in curriculum development, while the United Nations Children’s Fund (UNICEF) and the World Health Organization (WHO) initiated the National Strategic Planning process on HIV/AIDS issues, including the establishment of a National AIDS Commission. UNICEF was also supporting the introduction of child-centred teaching methodologies and child-friendly environments in all primary schools. The Office of the United Nations High Commissioner for Human Rights (OHCHR) continued to provide human rights expertise and guidance to other UN agencies and domestic institutions and to work closely with civil society and the Government. Together with UNDP, it initiated the joint Municipal Assessment Programme to provide human rights assessments in 48 municipalities, setting baselines and indicators against which progress could be measured and targeted programming developed.

The Secretary-General observed that two core projects required additional support for their completion during the year: the establishment of the permanent Police Commissioner post in the Federation and the State Border Service. He urged State authorities to give priority to funding the latter and potential donors to consider making additional financial contributions. He recommended that the Security Council extend UNMIBH’s mandate to terminate on 31 December, at an authorized strength of 1,600 police officers, to be drawn down after the 5 October general elections to 460 officers. During that time, UNMIBH would coordinate closely with the EU and the High Representative to ensure a seamless transition of responsibilities from IPTF to EUPM.

Security Council consideration (June). On 19 June [meeting 4555], the Security Council met to consider the Secretary-General’s 5 June report. Briefing the Council, the Special Representative and UNMIBH Coordinator expressed his full support for the Secretary-General’s recommendation to close the Mission at year’s end and summed up its successes, achieved at three levels. First, its mandate implementation plan had provided it with unity of strategic purpose and an exit strategy. Second, its practical achievements had promoted local confidence-building and security in police institutions. Third, it had made systemic changes that created a police force fit for Europe; by the conclusion of the nationwide systems analysis of police administrations (see p. 353) and the establishment of the State Information and Protection Agency, Bosnia and Herzegovina would have the crime-fighting apparatus of a modern State.

Remaining to be resolved for the successful completion of UNMIBH’s core mandate were: insufficient local funding to maintain or fully deploy the State Border Service; legislation to create the position of a permanent Police Commissioner in every police administration, crucial to insulate the work of law enforcement agencies from political interference; and non-implementation by the Federation of its long-standing commitment to provide salary assistance to police officers in the Srebrenica area in Republika Srpska, which had led to the resignation of the first Bosniac deputy police chief there.

Regarding the transition to EUPM, the new IPTF Commissioner, Sven Christian Frederiksen (Denmark), who assumed duties on 1 June, would complete UNMIBH’s mandate and become the head of EUPM on 1 January 2003. The EU Mission’s success depended on establishing mutually supportive relationships with the European Commission, particularly the Community Assistance for Reconstruction, Development and Stabilization programme.

Mandate extension

In connection with the Security Council’s consideration of the Secretary-General’s recommendation on the final extension of the UNMIBH mandate (see above), together with a related draft resolution circulated to the Council by Bulgaria, the United States raised its concerns over the scope of the jurisdiction of the International Criminal Court (ICC) in relation to UN peacekeeping operations [S/2002/843, S/2002/937]. Established by the 1998 Rome Statute of the International Criminal Court [YUN 1998, p. 1209], ICC was due to enter into force on 1 July (see p. 1998). To devise a consensus solution to the issue, the Council held a number of informal consultations in June and July. During that time, it met in for-
mal sessions to extend UNMIBH’s mandate for three short periods: to 30 June, and to 3 and 15 July.

SECURITY COUNCIL ACTION

Pending an agreed outcome of the informal consultations, and given that the current UNMIBH mandate was to expire on 21 June, the Security Council met on that date [meeting 4558] and unanimously adopted resolution 1418(2002). The draft [S/2002/680] was prepared in consultations among Council members.

The Security Council,
Recalling all its relevant resolutions concerning the conflicts in the former Yugoslavia, in particular resolution 1357(2001) of 21 June 2001,
Acting under Chapter VII of the Charter of the United Nations,
1. Decides that the provisions of resolution 1357 (2001) shall continue in force until 30 June 2002;
2. Decides to remain seized of the matter.

As further informal consultations on 27, 28 and 30 June failed to reach a solution to the issue raised by the United States, the Council agreed to meet on 30 June [meeting 4563] and to vote on the draft resolution [S/2002/712] submitted by Bulgaria, France, Germany, Italy, Norway, the Russian Federation and the United Kingdom, by which the Council would have extended UNMIBH for a final period, until 31 December. The vote was 15 in favour, 1 against (United States) and 1 abstention (Bulgaria). Owing to the negative vote of a permanent Council member, the draft was not adopted.

Speaking before the vote, the United States drew attention to its long-standing and unquestioned commitment to peace and stability in the Balkans. It expressed concern, however, over the question of ICC, particularly the need to ensure United States jurisdiction over its own nationals involved in UN peacekeeping and in coalition-of-the-willing operations. As the Council had failed to resolve that concern, the United States would vote against the draft.

Following the vote, the Secretary-General stated that UNMIBH’s mandate had come to an abrupt end for reasons unrelated to the vitally important work it was performing to implement the Peace Agreement on Bosnia and Herzegovina. UNMIBH had made a universally recognized contribution to the re-establishment of the rule of law and political stability, but the State and its institutions remained fragile and under pressure from nationalist forces. Unless agreement on an orderly winding down of the Mission was reached, the police in Bosnia would be left unmonitored, unguided and unassisted. Key programmes, including control of the borders by a professional State Border Service, a key instrument for fighting contraband activities and illegal immigration, would be left uncompleted, and the long-planned handover to EUPM would be severely compromised. The Secretary-General appealed to Council members to intensify the high-level negotiations to find a solution acceptable to all concerned that respected the principles of the Charter of the United Nations and the treaty obligations of Member States.

Bulgaria, explaining its abstention, emphasized that it was not because it did not support the principle of a UN presence in Bosnia and Herzegovina, but it wanted to draw attention to the lack of unity in the Council on the issue raised by the United States. Bulgaria had proposed various formulas at the informal consultations but had been unsuccessful.

On 30 June [meeting 4564], the Council unanimously adopted resolution 1420(2002). The draft [S/2002/716] was sponsored by France, Ireland, Norway and the United Kingdom.

The Security Council,
Recalling all its relevant resolutions concerning the conflicts in the former Yugoslavia, in particular resolutions 1357(2001) of 21 June 2001 and 1418(2002) of 21 June 2002,
Acting under Chapter VII of the Charter of the United Nations,
1. Decides that the provisions of resolution 1357 (2001) shall continue in force until 3 July 2002;
2. Decides to remain seized of the matter.

The Council continued its informal consultations on 2 and 3 July to find a solution to the concerns raised by the United States [S/2002/957]. It further held a formal meeting on 3 July [meeting 4566] and unanimously adopted resolution 1421 (2002). The draft [S/2002/724] was prepared in consultations among Council members.

The Security Council,
Acting under Chapter VII of the Charter of the United Nations,
1. Decides that the provisions of resolution 1357 (2001) shall continue in force until 15 July 2002;
2. Decides to remain seized of the matter.

Following the Council’s open debate on 10 July, at Canada’s request [S/2002/725], and further informal consultations from 10 to 12 July [S/2002/957], the issue was finally resolved through the adoption of resolution 1422(2002) (see p. 70), which paved the way for the adoption of the resolution below that extended UNMIBH’s mandate until 31 December.
On 12 July [meeting 4575], the Council unanimously adopted resolution 1423(2002). The draft (S/2002/759) was prepared in consultations among Council members.

The Security Council,


Reaffirming its commitment to a political settlement of the conflicts in the former Yugoslavia, preserving the sovereignty and territorial integrity of all States there within their internationally recognized borders, welcoming the arrival in Bosnia and Herzegovina on 25 May 2002 of the new High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina, looking forward to working closely with him, and emphasizing its full support for the continued role of the High Representative,

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

Emphasizing its appreciation to the High Representative, 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,

Welcoming the decision by the Council of Europe inviting Bosnia and Herzegovina to become a member, and expressing its understanding that Bosnia and Herzegovina will commit itself to make progress towards fully meeting the standards of a modern democracy as a multi-ethnic, multicultural and united society,

Welcoming also recent progress in effecting the decision of the Constitutional Court, and calling upon all to support swift implementation of constitutional amendments in both entities of Bosnia and Herzegovina, which is critical to the establishment of stable democratic and multi-ethnic political and administrative institutions necessary for the implementation of the Peace Agreement,

Recognizing the positive steps of the Governments of the Republic of Croatia and the Federal Republic of Yugoslavia towards fulfilling their continuing obligations as signatories of the Peace Agreement, strengthening their bilateral relations with Bosnia and Herzegovina and 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 Council,

Taking note of the reports of the High Representative, including his latest report of 15 May 2002,

Having considered the report of the Secretary-General of 5 June 2002, 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,

1. **Reconfirms once again its support for the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the Peace Agreement), as well as for the Dayton Agreement on implementing the Federation of Bosnia and Herzegovina of 10 November 1995, 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 which foster the building of a fully functioning self-sustaining State able to integrate itself into the European structures and in facilitating returns of refugees and displaced persons;**

3. **Reminds the parties once again that, in accordance with the Peace Agreement, they have committed themselves to cooperate fully with all entities involved in the implementation of this peace settlement, as described in the Peace Agreement, or which are otherwise authorized by the Council, including the International Tribunal, as it carries out its responsibilities for dispensing justice impartially, and underlines that full cooperation by States and entities with the 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 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 Force as may be necessary to ensure implementation of that annex and the protection of the Force, and takes note that the parties have consented to the Force taking such measures;

12. Further authorizes Member States to take all necessary measures, at the request of the 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 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 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 Force and 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 31 December 2002, and decides also that, during that period, 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 Conferences and agreed by the authorities in Bosnia and Herzegovina;

20. Welcomes the decision of the European Union to send a police mission to Bosnia and Herzegovina from 1 January 2003 as well as the close coordination between the European Union, the Mission and the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina to ensure a seamless transition, and the invitation of the European Union to States that are not members of the European Union to participate in the police mission;
21. Requests the Secretary-General to keep the Council regularly informed and to report in six months on the implementation of the mandate of the Mission as a whole;

22. 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;

23. 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;

24. 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 personnel of the International Police Task Force;

25. 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;

26. 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;

27. Decides to remain seized of the matter.

Completion of mandate implementation plan

Security Council consideration (October). During Security Council deliberations on 23 October [meeting 4631], the Secretary-General’s Special Representative reported on progress made by UNMIBH in carrying out its core functions until the end of the year. (See p. 349), which he termed an unqualified success, took place in conditions of full security, as local and international observers reported. Nearly 1,100 IPTF officers monitored local police through 56 joint and independent patrols. Local police planning and performance were outstanding. That achievement built on the impressive record of UNMIBH’s public affairs unit to dem

longer an impediment to return anywhere in the country, nor was the country the principal entry point into Europe for illegal migrants. In September, the State Border Service achieved 100 per cent control of the land borders and the three international airports. Those achievements were based on the progressive completion of the six core programmes of UNMIBH’s mandate implementation plan, which were all in their final stages.

With respect to the police reform programme, UNMIBH, on 18 October, began announcing final certification of the 16,832 local police officers who in 1999 had been only provisionally authorized to work. Besides the 234 already dismissed for misconduct or wartime background, some 500 to 600 appeared not to be entitled to certification because of unlawful housing, false diplomas or wartime conduct. The certification process was expected to be completed by mid-December.

On police restructuring, three police administrations, in Breko district, Republika Srpska and Una Sana canton, had received UNMIBH accreditation. UNMIBH’s independent Police Commissioner project was in its final stage: permanent Police Commissioners were in place in nine cantons and installation of those in Republika Srpska was almost complete; only in canton 10 and the Federation Ministry of the Interior was the High Representative compelled, because of obstruction and delay, to impose an independent selection process. Currently, 1,644 officers, or almost 10 per cent of the police forces, were from minority groups; 490 were female officers.

In 14 out of 15 different judicial districts, the Mission’s Criminal Justice Advisory Unit (CJAU) had completed a specialized training course for criminal investigation police to improve the quality of their crime reports. CJAU had also made an invaluable contribution to court monitoring of sensitive trials. The three-year project to establish, train and equip court police serving all 174 courts in the Federation had been completed, as had the training of a special unit for the protection of judges and witnesses. Police recruitment, training and deployment to serve 151 courts would be completed in November.

The Special Representative commended the work of UNMIBH’s Special Trafficking Operations Programme, which included a recently established rapid intervention force to remove victims of trafficking from nightclubs to a safe house. He said the trafficking problem was not likely to be resolved until local prosecutors and the judiciary took it seriously.

The Special Representative noted the substantive input of UNMIBH’s public affairs unit to dem-
The main goal of the country’s economic programme was to improve the business environment and establish a single economic space. It welcomed the signing of the free trade agreements among the States in South-Eastern Europe to promote economic growth and cooperation in the region.

The implementation of the recent election results (see p. 349) would be based on the decision of the Constitutional Court on the Constituent Peoples’ Case [YUN 2000, p. 349] that ensured the equal rights of all ethnic groups in the whole territory of Bosnia and Herzegovina.

GENERAL ASSEMBLY ACTION

On 11 November [meeting 47], the General Assembly adopted resolution 57/10 [draft: A/57/ L.15/Rev.1 & Add.1] without vote (agenda item 34).

The situation in Bosnia and Herzegovina

The General Assembly,
Recalling its resolution 56/215 of 21 December 2001 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”),
...
Reaffirming the importance for the future of Bosnia and Herzegovina of its successful integration into Europe, noting that regard its admission into the Council of Europe in April 2002, welcoming the progress made to date in meeting the conditions of the European Union Stabilization and Association Process, and stressing that the Stability Pact for South-Eastern Europe continues to provide an additional contribution to the improvement of regional cooperation,

Welcoming the further improvement of overall mutual cooperation and the positive evolution of bilateral relations between Bosnia and Herzegovina and its neighbouring States, Yugoslavia and Croatia, as set forth at the trilateral summit of the heads of State held in Sarajevo on 15 July 2002,

Noting that corruption and a lack of transparency seriously hamper the economic development of Bosnia and Herzegovina, reaffirming the need to combat corruption, smuggling, human trafficking, organized crime and illegal border crossing in that regard the fact that the State Border Service recently took over the control of the entire border, and noting the preparations for the Conference on Organized Crime in South-Eastern Europe, which is to be held in London on 25 November 2002,

Welcoming the achievements, and encouraging further efforts, in reducing military assets, in continued cooperation with the multinational Stabilization Force, in view of enhanced security and with the aim of the future admission of Bosnia and Herzegovina into the Partnership for Peace,

Welcoming also the forthcoming transition from the International Police Task Force to the European Union Police Mission,

1. Notes that the ultimate responsibility for the future of Bosnia and Herzegovina lies with the State and entity authorities duly elected by its people, urges them to work jointly, rapidly and intently on judicial and economic reforms and the functioning of State institutions, refugee returns and all other issues of vital interest to all the citizens, with full respect for the rule of law, and welcomes the programme “Justice and Jobs” of the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina;

2. Commends the Independent Electoral Commission, the joint State institutions and all the citizens of Bosnia and Herzegovina for completing successfully the first post-war self-organized elections, as a positive example of the State’s ability to function in a successful manner;

3. 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;

4. Commends the achievements of the former High Representative in implementing the Peace Agreement and for initializing and overseeing the negotiations for constitutional reforms in order to ensure the equality of the three constituent peoples throughout the country, and supports unreservedly the new High Representative, especially in his efforts to implement radical judicial and economic reforms and the rule of law, as well as his efforts in other areas, under the guidance of the Peace Implementation Council and in close cooperation with the State and entity authorities of Bosnia and Herzegovina;

5. Demands that all the parties to the Peace Agreement fulfill their obligations to 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, urges the States committed to cooperation with the Tribunal as parties to the Peace Agreement, in collaboration with the international security presence, to take decisive action to apprehend and extradite to the Tribunal all indicted, 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 lower profile war criminals;

6. 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 and to secure sufficient funding for the State Border Service and the State Information Protection Agency, welcomes the active role of Bosnia and Herzegovina in global efforts against terrorism, and calls upon Bosnia and Herzegovina to work with the international community in that regard;

7. Also welcomes the steps already taken by the authorities of Bosnia and Herzegovina regarding the breach of Security Council resolutions dealing with sanctions against Iraq, and demands the investigation and prosecution of those responsible in accordance with the obligations of the State deriving from all relevant Council resolutions;

8. 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 sustainable return of refugees and displaced persons to their place of pre-war residence, including to areas where they would be the ethnic minority, and calls upon all sides to ensure respect for individual rights to return and the establishment of the rule of law;

9. Also reaffirms the right of families to know the fate of their relatives, and urges the authorities concerned to do everything in their power to help elucidate the fate of all persons unaccounted for;

10. Commends the International Police Task Force for all its efforts, welcomes the successful completion of the mandate of the United Nations Mission in Bosnia and Herzegovina on 31 December 2002, and also welcomes the smooth transition to the European Union Police Mission, which will also work on reforming the police management structures in Bosnia and Herzegovina;

11. 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 and the elimination of bureaucratic obstacles, which deter private investment and private initiative, are of the utmost importance;

12. Notes the importance of defining the common defence policy and common command-control military structure of Bosnia and Herzegovina on the
grounds of agreed principles, and affirms the importance of civilian control of the armies and the formation of a standing committee for military matters of Bosnia and Herzegovina as a step towards the establishment of a military structure of an appropriate size, based on future projections and the legitimate security needs of Bosnia and Herzegovina, which will contribute to regional security and stability;

13. Welcomes the efforts of international and regional organizations, as well as non-governmental organizations in Bosnia and Herzegovina, working on mine-action activities, and calls upon Member States to continue to support those activities;

14. Stresses the importance of strengthening the free and pluralistic media, and deplores actions that seek to intimidate or restrict the freedom of the media;

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

16. Emphasizes the importance of ensuring the rights of all national minorities in the country;

17. Requests the Secretary-General to submit a report on United Nations activities in Bosnia and Herzegovina during the period from 1992 to 2002, in view of the experience gained and lessons learned, as a positive contribution to future United Nations operations, within existing resources.

Assessment and future challenges

Report of Secretary-General (December). The Secretary-General, in his final report on UNMIBH of 2 December [S/2002/1314], assessed the Mission’s achievements and identified challenges for the future. He said that establishing the foundations of a modern, democratic police force represented a major achievement for Bosnia and Herzegovina. However, key challenges lay ahead, most importantly the full establishment of the rule of law. Corruption, organized crime and political obstruction remained major impediments to economic development and regional integration. Overcoming them depended on comprehensive judicial and legal reform. Although the Office of the High Representative had accelerated the pace, judicial reform lagged two years behind police reform. The continued presence of well-known persons indicted for serious war crimes was a major obstacle to the post-conflict normalization process. Until local authorities handed over war-crimes suspects to ICTY and to the local courts that had received clearance from the Tribunal under the “Rules of the Road” of the 1996 Rome Agreement [YUN 1996, p. 1187], reconciliation and stability could not be achieved.

Policing standards and law enforcement capacity could be assessed by police preparedness, performance, investigative follow-up and public confidence in security. While scope for improvement remained, there were many encouraging indicators. The funding of fundamental crime-fighting institutions had to be addressed and adequate funding secured for the two police academies and the State Information and Protection Agency. Despite its demonstrable success, the ad hoc nature of State funding for the State Border Service in 2002 remained a concern and should be corrected in the 2003 budget. To ensure multi-ethnic representation within the police force, the current disparity in police benefit packages between the two entities and within the Federation cantons needed to be resolved.

That, alongside the lack of multi-ethnic public education, presented the key deterrent to full minority police deployment. Pockets of political obstruction to some of the Mission’s reform measures, notably the appointment of independent police commissioners and minority law enforcement personnel, remained. While all political parties were supporting the national reform agenda, the post-election scenario required close monitoring to ensure that the substantial gains achieved were not reversed.

The Secretary-General observed that, through UNMIBH, the United Nations had demonstrated its ability to complete a complex mandate in accordance with a strategic plan and within a realistic and finite time frame. UNMIBH had completed the most extensive police reform and restructuring project ever undertaken by the United Nations. The handover of long-term police monitoring to EUPM was an excellent example of cooperation and smooth transition between the United Nations and a regional organization. Integral to all those achievements had been the innovative mandate implementation plan. As EUPM embarked on the important task of monitoring and strengthening the law enforcement framework currently in place, the Secretary-General was confident that it would be able to count on the continued support from the international community to preserve and further develop what had been achieved by UNMIBH over the past six years.

Security Council consideration (December). The Security Council met on 12 December [meeting 4661] to consider the Secretary-General’s final report on UNMIBH. Invited to participate in the meeting, under rule 37 of the Council’s provisional rules of procedure, were Prime Minister Dragan Mikerevic and the three members of the Bosnia and Herzegovina Joint Presidency: Mirko Sarovic (Presiding Member), Sulejman Tihic and Dragan Covic.

The Secretary-General’s Special Representative for Bosnia and Herzegovina and Chief of Mission said the United Nations was leaving behind in Bosnia and Herzegovina a legacy of democratic law enforcement, police forces fit for Eu-
rope and a platform on which the people of Bosnia and Herzegovina, with continued help from the international community, could build a society based on respect for the rule of law and functioning democratic institutions. On 1 January 2003, EUPM would begin to build on UNMIBH’s achievements to ensure continued professional police performance. The Special Representative welcomed EUPM’s agreement to give priority to the State Border Service, the State Information Protection Agency and the maintenance of effective counter-trafficking measures, as well as its intention to continue a robust approach to organized crime. He said the United Nations was confident that, under that framework, UNMIBH’s achievements would be sustained and its legacy preserved. He hoped one aspect of that legacy would be the application to other peace operations of the many lessons learned by UNMIBH, of which two were imperative: a mandate implementation plan encompassing a strategic and operational vision and an exit strategy, which helped to prioritize projects for international donor assistance and institute a process of local capacity-building for the eventual taking over of the tasks of police professionalization; and a holistic approach to the rule of law early in a post-conflict situation, putting all the necessary tools in one hand and a pillar construct in place to ensure the simultaneous professionalization of the police, judiciary and prison systems.

The Presiding Member of the Presidency of Bosnia and Herzegovina said that the Secretary-General’s final report on UNMIBH represented the end of one era and the beginning of another in Bosnia and Herzegovina. The withdrawal of the peacekeeping operation was a sign of confidence in the country. He believed that other international missions would gradually be withdrawn so that the local infrastructure could take over their roles. The leaders of Bosnia and Herzegovina had a common responsibility and goal to ensure a brighter future for their children. Since the general election, they had been working to build a sustainable governmental infrastructure. He was convinced that, working in partnership, they would continue to move towards reform and away from internal conflict.

SECURITY COUNCIL ACTION

On 12 December [meeting 466], following consultations among Security Council members, the President made statement S/PRST/2002/33 on behalf of the Council:

The Security Council welcomes the briefing by the Special Representative of the Secretary-General and Coordinator of the United Nations Operations in Bosnia and Herzegovina.

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

The Council takes this opportunity to express its deep appreciation for the efforts of the Secretary-General, his Special Representative Mr. Jacques Paul Klein and the personnel of the United Nations Mission in Bosnia and Herzegovina, which includes the International Police Task Force, for their contributions to the implementation of the Peace Agreement.

The Council highly appreciates the achievements of cooperative efforts in bringing about the successful conclusion of the mandate of the Mission, which will expire on 31 December 2002, and expresses its thanks to all of the countries which took part in and contributed to the accomplishments of the Mission.

The Council welcomes the decision of the European Union to send a Police Mission to Bosnia and Herzegovina from 1 January 2003, as part of a broader rule of law approach, as well as the close coordination among all those concerned to ensure a seamless transition of responsibilities from the International Police Task Force to the European Union Police Mission, with the participation of the interested States non-members of the European Union.

The Council 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 all reforms needed to rebuild a civil society.

The Council reaffirms its commitment to the principles of the sovereignty and territorial integrity and inviolability of the borders of Bosnia and Herzegovina. The Council encourages continued commitment by Bosnia and Herzegovina to the promotion of peace and stability in the region, including through enhanced political and economical cooperation.

The Council expresses its intention to keep the implementation of the Peace Agreement and the situation in Bosnia and Herzegovina under review.

Financing

In June, the General Assembly considered the financial performance report of UNMIBH for the period 1 July 2000 to 30 June 2001. Expenditures for the period totalled $146,290,000 gross ($155,997,500 net), resulting in an unencumbered balance of $12,488,667 gross ($18,377,501 net), mainly from civilian personnel costs and op-
eral requirements. It also had before it the proposed budget for the Mission [A/56/773] for 1 July 2002 to 30 June 2003, totalling $78,613,900 gross ($72,750,200 net), to cover its maintenance from 1 July to 31 December 2002 and its liquidation from 1 January to 30 June 2003, including administrative and budgetary support for UNMOP and the UN liaison offices in Belgrade, Zagreb and Sarajevo from 1 July to 31 December 2002. Also considered were the related comments and recommendations of A/AC.247 [A/56/887/Add.2].

GENERAL ASSEMBLY ACTION

On 27 June [meeting 105], the General Assembly, on the recommendation of the Fifth Committee [A/56/979], adopted resolution 56/505 without vote [agenda item 154].

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 regarding the establishment of the United Nations Mission in Bosnia and Herzegovina and the subsequent resolutions by which the Council extended the mandate of the Mission, the latest of which was resolution 1337(2001) of 21 June 2001,

Recalling also Security Council resolution 1387(2002) of 15 January 2002, in which the Council authorized the United Nations military observers to continue to monitor the demilitarization of the Pevlaka peninsula until 15 July 2002,

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 55/268 of 14 June 2000,

Reaffirming the general principles underlying the financing of United Nations peacekeeping operations, as stated in General Assembly resolutions 55/48-IV of 27 June 1990, 55/XXXVIII of 11 December 1993 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 2002, including the contributions outstanding in the amount of 61 million United States dollars, representing some 6 per cent of the total assessed contributions, notes with concern that only seventy-two Member States have paid their assessed contributions in full, and urges all other Member States, in particular those in arrears, to ensure payment of their outstanding assessed contributions;

2. Expresses its appreciation to those Member States which have paid their assessed contributions in full and on time, and 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;

3. 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;

4. Emphasizes that all future and existing peacekeeping missions shall be given equal and nondiscriminatory treatment in respect of financial and administrative arrangements;

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

6. 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;

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

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

Financial performance report for the period from 1 July 2000 to 30 June 2001

10. Takes note of the report of the Secretary General on the financial performance of the Mission for the period from 1 July 2000 to 30 June 2001;

Budget estimates for the period from 1 July 2002 to 30 June 2003

11. Decides to appropriate to the Special Account for the United Nations Mission in Bosnia and Herzegovina the amount of 82,106,000 dollars for the period from 1 July 2002 to 30 June 2003, inclusive of 78,545,900 dollars for the maintenance and liquidation of the Mission, 3,881,000 dollars for the support account for peacekeeping operations and 381,100 dollars for the United Nations Logistics Base;

Financing of the appropriation

12. Decides also to apportion among Member States the amount of 82,106,000 dollars at a monthly rate of 6,842,167 dollars, in accordance with the levels set out in resolution 55/235, as adjusted by the General Assembly in its resolution 55/256 of 23 December 2000, and taking into account the scale of assessments for the years 2002 and 2003 as set out in its resolution 55/5 B of the same date, subject to a decision of the Security Council to extend the mandate of the Mission;

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 6,321,900 dollars approved for the Mission for the pe-
period from 1 July 2002 to 30 June 2003 at a monthly rate of $28,825 dollars, comprising the estimated staff assessment income of $5,854,700 dollars for the period from 1 July 2002 to 30 June 2003, the prorated share of $453,200 dollars of the estimated staff assessment income approved for the support account for the period from 1 July 2002 to 30 June 2003 and the increase in staff assessment income of that account for the period from 1 July 2000 to 30 June 2001, and the prorated share of $34,000 dollars of the estimated staff assessment income approved for the United Nations Logistics Base for the period from 1 July 2002 to 30 June 2003 and the reduction in staff assessment income of that account for the period from 1 July 2000 to 30 June 2001.

14. **Decides** 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 12 above, their respective share of the unencumbered balance of $12,488,667 dollars and their respective share of other income of $5,580,000 dollars in respect of the financial period ended 30 June 2001, in accordance with the levels set out in resolution 55/255, as adjusted by the General Assembly in its resolution 55/256, and taking into account the scale of assessments for the year 2001, as set out in its resolution 55/5 B.

15. **Decides also** that for Member States that have not fulfilled their financial obligations to the Mission, their respective share of the unencumbered balance of $12,488,667 dollars and other income of $5,580,000 dollars in respect of the financial period ended 30 June 2001 shall be set off against their outstanding obligations in accordance with the scheme set out in paragraph 14 above;

16. **Decides further** that the increase in the staff assessment income of $888,834 dollars shall be set off against the credits from the unencumbered balance in respect of the financial period ended 30 June 2001 referred to in paragraphs 14 and 15 above;

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

18. **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;

19. **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 procedures and practices established by the General Assembly;

20. **Decides** to include in the provisional agenda of its fifty-seventh session the item entitled “Financing of the United Nations Mission in Bosnia and Herzegovina.”

On 18 December [A/57/684], the Secretary-General submitted the financial performance report for UNMIBH for the period 1 July 2001 to 30 June 2002. On 20 December, the Assembly decided that the item on the financing of UNMIBH would remain for consideration during its resumed fifty-seventh (2003) session (decision 57/585) and that the Fifth Committee should continue to consider the item at that session (decision 57/556).

**Donation of assets**

In October [A/57/449], the Secretary-General provided details of the proposed donation of 12 per cent of UNMIBH’s assets, the inventory value of which amounted to some $58.8 million as at 22 July, to the Government of Bosnia and Herzegovina, based on the Mission’s asset disposal plan. ACABQ [A/57/486] recommended approval of that proposal.

On 20 December, the General Assembly, by decision 57/559, approved the donation of assets to the Government of Bosnia and Herzegovina, as proposed by the Secretary-General.

**International Police Task Force (IPTF)**

As at 31 May, the strength of IPTF stood at 1,586. That number was reduced to 460 after the 5 October general elections. To ensure continuity during the transition from UNMIBH to EUPM, 119 IPTF officers were to be retained in their current positions and transferred to EUPM on 1 January 2003. The drawdown of the IPTF presence would be completed on 31 December and a small liaison office retained in Sarajevo until June 2003 to ensure completion of the transition. The current IPTF Commissioner, Sven Christian Frederiksen (Denmark), appointed by the Secretary-General in an exchange of letters between him and the Security Council on 2 and 7 May [S/2002/529, S/2002/530] to succeed Vincent Coeurderoy (France), would continue as the first EUPM Commissioner.

**Military aspects**

**Stabilization Force (SFOR)**


The strength of SFOR fell from some 18,000 in December 2001 to just over 14,000 in November 2002. The troops deployed in Bosnia and Herzegovina were contributed by all NATO members and 15 non-NATO countries. The Council, by resolution 1423 (2002) of 12 July (see p. 357), author-
ized the continuation of SFOR for a further period of 12 months.

During the year, SFOR continued to contribute to a safe and secure environment in Bosnia and Herzegovina, monitor compliance by the entity armed forces, conduct inspections and consolidation of weapons storage sites, support Federation authorities in collecting weapons and ammunition and monitor possible terrorist-related threats throughout the country. It also conducted searches for war-crimes indictees, including a large-scale search in February for Radovan Karadzic near Celicici, south-east of Foca. Although unsuccessful, the operation yielded a significant amount of weapons and munitions. In its ongoing search for war-crimes indictees, SFOR detained one suspect on 31 March, Miroslav Deronjic on 7 July (see p. 1276) and Radovan Stanikovic on 9 July (see p. 1277), all of whom were later transferred to ICTY in The Hague. It continued its operation, begun on 21 May in the eastern part of Republika Srpska, to encourage the local population to provide information on the whereabouts of war-crimes indictees and to cooperate in their capture. In July, SFOR searched a family home of Mr. Karadzic on the outskirts of Pale, and, with the Republika Srpska Ministry of the Interior police, conducted a ground and helicopter operation from 14 to 16 August to target his support network.

On 26 August, the Bosnia and Herzegovina Presidency restructured the Standing Committee on Military Matters, strengthening State-level control over defence, notably removing the entity Defence Ministers and the military commanders and advisers to the Presidency. A position of Secretary-General of the Standing Committee would be created, and a military commission would be responsible for operational issues and doctrine. The Standing Committee would provide NATO and other organizations with a single point of contact with Bosnia and Herzegovina for defence matters.

In the programme for the restructuring of the entity armed forces, the Federation Armed Forces (FAF) would achieve their reduction goals by the end of 2002, well in advance of the 2005 target date. As at 6 December, FAF strength stood at 13,173 FAF soldiers (8,977 Bosniacs and 4,196 Bosnian Croats). The Republika Srpska Army had 7,443 soldiers. As the entity armed forces were too large to be sustained by the federal budget, SFOR had put forward the concept of an active reserve force. Although the proposal was well received, no steps had been taken to define its structure or to set target dates.

It was expected that, along with the preparations for the transition from IPTF to EUPM, a memorandum of understanding or technical agreement between SFOR and EUPM would be finalized by mid-December.

### Federal Republic of Yugoslavia

In 2002, the Kosovo province of the Federal Republic of Yugoslavia (FRY) made further progress towards provisional self-governance and on the promotion of inter-ethnic reconciliation and economic and social reconstruction. The Kosovo Assembly, on 4 March, approved the agreement reached by the three major Kosovo Albanian parties on 28 February on the nomination of the President and Prime Minister of Kosovo, leading to the formation of a coalition Government, including 10 ministries and other provisional institutions of self-government. Thereafter, the United Nations Interim Administration Mission in Kosovo (UNMIK) began transferring authority to those institutions, with the Special Representative of the Secretary-General retaining certain reserved powers, in accordance with the 2001 Constitutional Framework for Provisional Self-Government [YUN 2001, p. 352].

In the meantime, the Special Representative set benchmarks that had to be reached before the political process to determine Kosovo’s final status could begin. Further evidence of the continuing stability of Kosovo was the successful holding of municipal elections in October. However, the divided town of Mitrovica continued to present a number of challenges, leading the Special Representative to put forward, also in October, a seven-point plan for dealing with the situation there. By November, UNMIK had succeeded in establishing its administration in northern Mitrovica town, thus bringing the entire territory of Kosovo under UNMIK control for the first time.

In December, the Security Council sent a mission to Kosovo to, among other objectives, find ways to enhance support for the implementation of its resolution 1244(1999) [YUN 1999, p. 331], discuss the challenges faced by UNMIK and convey a strong message to all concerned to move forward with the decentralization process and promote inter-ethnic reconciliation.

Relations with the Federal Government in Belgrade continued to improve. In March, FRY transferred to Kosovo from Serbia proper a large number of Kosovo Albanian detainees and the court files pertaining to the majority of the remaining detainees. It also agreed to stop financing parallel institutions, especially in Mitrovica town.
Situation in Kosovo


UNMIK was headed by the Special Representative of the Secretary-General. In January, the Secretary-General appointed Michael Steiner (Germany) to replace Hans Hackkerup (Denmark) in that position.

Establishment and transfer of authority to provisional institutions of self-government

Following the adoption of the Constitutional Framework for Provisional Self-Government [YUN 2001, p. 352] and the successful holding of Kosovo-wide elections for the Kosovo Assembly in 2001 [ibid., p. 359], the United Nations, through UNMIK, concentrated its efforts in 2002 on establishing the provisional institutions of self-government and transferring authority from UNMIK to those institutions.

In that regard, the Secretary-General, in his 15 January report on UNMIK [S/2002/62], said that, with the inauguration of the Kosovo Assembly [YUN 2001, p. 360], following the successful conclusion of the elections, UNMIK had created a special task force to establish administrative and other support services to the Assembly. Experts from France, Germany, the United Kingdom and the Council of Europe helped to set up the Assembly’s secretariat and to develop its provisional rules of procedure. To ensure the security of minority Assembly members and staff, stringent security measures were in force, including assigning escort officers to each Kosovo Serb member. The Assembly building was currently guarded by teams of specially trained Kosovo Police Service (KPS) officers, working alongside international colleagues.

Describing transitional arrangements [YUN 2001, p. 359] at the executive level, the Secretary-General stated that UNMIK administrators were progressively handing over executive functions to the local authorities, including responsibility for budgetary and financial administration. In that regard, a uniform financial management system for municipalities had been agreed upon with the Central Fiscal Authority, and training of the municipal civil service had begun. Progress was made in including non-Kosovo Albanian communities in local government; some 90 Kosovo Serbs were participating in the work of 13 municipal assemblies.

To facilitate the transition, UNMIK’s regional administrations were redefined to cover security coordination, general oversight of UNMIK staff, reporting and auditing, political assessments, and coordination of the return of displaced persons. The Special Representative, in accordance with the Constitutional Framework, would retain certain reserved powers, for the discharge of which UNMIK directorates were established for civil protection, administrative affairs, infrastructure affairs and rural affairs. The Special Representative would retain responsibility for: KPS and KFOR; the administration and financing of civil security and emergency preparedness; mine clearance; the administration of public, State and socially owned property; the regulation of public and socially owned enterprises; the administration of railways and civil aviation and allocation of radio frequencies; the civil registry database; the registration of habitual residents; the Housing and Property Directorate, including the Housing Claims Commission; control over cross-border/boundary transit of goods; general powers in a number of areas, such as international relations, and the judiciary and the police (except for court administration, which would be transferred to the Ministry of Public Services); and several economic areas, such as the Central Fiscal Authority, which would work alongside the new Ministry of Finance and Economy, but would continue to be responsible for fiscal and financial issues not yet transferred to the new Government.

Security Council consideration. The Under-Secretary-General for Peacekeeping Operations informed the Security Council on 21 January [meeting 4454] that further progress towards provisional self-government had been stalled by the inability of the new Kosovo Assembly, at its 10 January session, to elect a President and a Prime Minister, as had been the case at its 2001 inaugural session [YUN 2001, p. 360]. The Assembly had not met since, and the deadlock in forming a coalition, and thus a Government, persisted. The Council was also informed that the Secretary-General had decided to appoint a new Special Representative for Kosovo (see p. 377).

SECURITY COUNCIL ACTION

On 13 February [meeting 4475], following consultations among Security Council members, the President made statement S/PRST/2002/4 on behalf of the Council:
The Security Council expresses its full support for the Special Representative of the Secretary-General upon his assumption of the position as Head of the United Nations Interim Administration Mission in Kosovo, as well as its appreciation to all the personnel of the Mission for their unifying efforts in ensuring the full implementation of resolution 1244(1999) of 10 June 1999.

The Council notes the progress made in the implementation of resolution 1244(1999) and the Constitutional Framework for Provisional Self-Government in Kosovo, including the inauguration of the Kosovo Assembly following the elections on 17 November 2001 in Kosovo, Federal Republic of Yugoslavia. It calls upon the elected representatives of Kosovo to resolve the deadlock over the formation of executive structures of the provisional self-governing institutions and to allow the functioning of those institutions, in accordance with the Constitutional Framework and the outcome of the elections, which expressed the will of the voters. The Council supports the development of cooperation between the Mission, the elected representatives of Kosovo and the authorities in the Federal Republic of Yugoslavia. Such cooperation is vital in implementing resolution 1244(1999).

The Council reaffirms the fundamental importance of the rule of law in the political development of Kosovo and condemns any attempt to undermine it. It supports all efforts of the Mission, together with the Kosovo Force and the Kosovo Police Service, to combat all kinds of crime, violence and extremism. It supports the measures taken to bring persons responsible for criminal acts to justice, regardless of ethnic or political background. It calls upon the elected leaders of Kosovo to cooperate fully with the Mission and the Force in promoting the rule of law and a multi-ethnic Kosovo with security and freedom of movement for all.

Report of Secretary-General (April). The Secretary-General reported on 22 April [S/2002/456] that, after months of deadlock, the three major Kosovo Albanian parties, on 28 February, agreed to form a coalition Government to be headed by Bajram Rexhepi of the Democratic Party of Kosovo (PDK) and to put forward Ibrahim Rugova, leader of the Democratic League of Kosovo (LDK), as candidate for President of Kosovo—steps welcomed by the Council in a press statement by its President (see p. 369) and by the EU Presidency [S/2002/255]. The parties also agreed to assign four ministries to LDK and two each to PDK and the Alliance for the Future of Kosovo (AAK). In accordance with the Constitutional Framework [YUN 2001, p. 322], one ministry was assigned to the Kosovo Serbs and one to a non-Serb minority community. The latter was filled by a member of the Kosovo Bosnian/Gorani Vatan coalition, which had four Assembly seats. On 4 March, the Kosovo Assembly, by more than two thirds of the membership, endorsed the coalition agreement, paving the way for the transfer of responsibility from UNMIK to the newly formed Government in those areas outlined in the Constitutional Framework. However, the Kosovo Serb Return Coalition had not put forward a candidate for its assigned ministry (the Ministry of Agriculture, Forestry and Rural Development) and called for the allocation to it of a second ministry (on returns) as quid pro quo for its participation in the Government. The issue of returns, of key interest to the Kosovo Serb community, was a reserved responsibility of the Special Representative who consequently suggested the creation of a Cabinet-level post of Inter-Ministerial Coordinator on Returns in the Office of the Prime Minister to be filled by the Return Coalition. He also offered the Return Coalition the post of Senior Adviser on Returns within UNMIK’s Office of Returns and Communities.

With the Government established, the traditional departments were transformed into 10 ministries within the framework of the provisional institutions of self-government, including the Ministry of Health, Environment and Spatial Planning, which was reorganized into two separate ministries: the Ministry of Health and the Ministry of Environment and Spatial Planning. The Cabinet discussed the ministries’ immediate and longer-term priorities, for which they had a collective budget of 192 million euros (51 per cent of the 2002 Kosovo consolidated budget), and logistical and personnel issues, including the priority issue of the recruitment of permanent secretaries for the ministries. Those posts had been advertised and a Senior Public Appointments Committee established to ensure the transparency and fairness of the recruitment process.

The Government made a number of substantive decisions: it agreed on a basic pension of 28 euros a month, with effect from 1 July, to be funded from the general budget; it prepared for presentation to the Assembly priority legislation on higher education and on primary/secondary education that enshrined equal educational opportunities for all Kosovo communities; and it established the Continuing Professional Development and Education Board to ensure continued training for health-care professionals.

The membership of the Assembly Presidency reached its full complement of seven with the nomination and approval of two PDK candidates on 4 March. On 16 April, however, the Assembly, by a two-thirds majority, approved a proposal to have an eighth member, from AAK. That proposed change to the Constitutional Framework was to be communicated to the Special Representative. The Assembly Presidency designed a structure of 16 committees, covering areas speci-
fied in the Constitutional Framework (budget, and rights and interests of communities), the functional areas of the ministries of the provisional institutions of self-government and additional committees covering issues such as international cooperation and public petitions and appeals.

Efforts to create a multi-ethnic civil service had so far had mixed results. Although some ministries, including the Ministries of Education, Science and Technology, of Health, and of Labour and Social Welfare, had an acceptable percentage of minority employees (10 to 25 per cent), most of them had less than 1 per cent. The situation was similar at the municipal level, where minority employment averaged below 10 per cent. To facilitate minority participation in the civil service, a shuttle bus service was introduced, mainly for minority civil servants living in locations outside Pristina, and security was provided by mixed teams of Kosovo Albanian and Kosovo Serb members of KPS. Since its establishment, minority employment in the Ministries of Public Services and of Agriculture, Forestry and Rural Development had increased from 2.6 to 6.5 per cent and from 0 to 18 per cent, respectively. However, security fears continued to pose a main barrier to minority applications for civil service positions in the provisional self-government institutions; over 100 assigned posts remained to be filled by the Kosovo Serb community.

Within the Office of the Prime Minister, the Advisory Office on Good Governance, Human Rights, Equal Opportunity and Gender oversaw and advised the 10 ministries. Its Diversity Task Force worked closely with the Committee on the Elimination of Discrimination against Women to create equal opportunities and integrate the concept of non-discrimination. The Kosovo Law Centre also started the Ministerial Empowerment Project, financed by the World Bank, to train the new professional staff of the Ministry of Education, Science and Technology on international human rights standards.

At the municipal level, the Institute for Civil Administration continued to train municipal staff and Municipal Assembly members for the formation of an apolitical, multi-ethnic professional civil service. Approximately 3,700 municipal civil servants had undergone training, 18 per cent of whom were Kosovo Serbs.

Security Council press statement. In a 28 February press statement [SC/739], the President of the Security Council, referring to a briefing by the Assistant Secretary-General for Peacekeeping Operations indicating that agreement had been reached on the nomination of the President and Prime Minister of Kosovo, subject to the Kosovo Assembly’s ratification, conveyed the Council’s pleasure over that step forward in the implementation of resolution 1244(1999) [YUN 1999, p. 353] and the establishment of provisional self-government institutions. The Council looked forward to the elected leaders working in that positive spirit to build a better future for all of Kosovo’s inhabitants.

Benchmarks for Kosovo’s future status

Security Council consideration. With the provisional institutions of self-government in place, the Special Representative, in his 24 April briefing to the Security Council [meeting 658], identified the following priorities as a way forward: consolidation of the provisional institutions to make them effective, representative, transparent and multi-ethnic at all levels; boosting the economy, a key to which was privatization; Kosovo-wide application of the rule of law through an effective police and judiciary; and facilitating returns more efficiently through integrated, rather than parallel, effort.

The Special Representative emphasized that henceforth implementing resolution 1244(1999) was a joint effort with the provisional institutions. The transfer of responsibilities from UNMIK to those institutions was a process of building substantial autonomy for Kosovo to a stage where the political process of determining its future status could begin. To reach that stage, the Special Representative specified benchmarks that should first be achieved: existence of effective, representative and functioning institutions; enforcement of the rule of law; freedom of movement for all; respect for the right of all Kosovars to remain in and return to Kosovo; development of a sound basis for a market economy; clarity of property title; normalized dialogue with Belgrade; and reduction and transformation of the Kosovo Protection Corps in line with its mandate. The Special Representative said the benchmarks mirrored the principles and priorities in the coalition agreement of 28 February; they represented an exit strategy for the United Nations and an “entry strategy” for Kosovo into the European integration process, complementing the preconditions Kosovo had to meet to qualify for the EU stabilization and association process.

SECURITY COUNCIL ACTION

On 24 April [meeting 659], following consultations among Security Council members, the President made statement S/PRST/2002/11 on behalf of the Council:

The Security Council welcomes the report of the Secretary-General and the briefing by the Special Representative of the Secretary-General, and sup-
political and security questions

ports all efforts by the United Nations Interim Administration in Kosovo and the Kosovo Force to implement fully resolution 1244(1999) of 10 June 1999, which remains the basis for building Kosovo's future.

The Council welcomes progress made in the formation of the executive bodies of the provisional institutions of self-government in Kosovo, Federal Republic of Yugoslavia, to include representatives of all communities. It commends the efforts of the Special Representative and welcomes the priorities outlined in the report of the Secretary-General as well as his request to develop benchmarks to measure progress in the institutional development of Kosovo, consistent with resolution 1244(1999) and the Constitutional Framework for Provisional Self-Government in Kosovo. The Council encourages the provisional institutions, in full cooperation with the Special Representative and in strict compliance with resolution 1244(1999), to take on the tasks assigned to them by the Constitutional Framework.

The Council reaffirms the fundamental importance of the rule of law in the political development of Kosovo. It strongly condemns attacks against Mission police in Mitrovica on 8 April 2002 and calls upon all communities fully to respect the authority of the Mission throughout Kosovo, in line with resolution 1244(1999). It supports the continuing efforts of the Mission and the Force, together with the Kosovo Police Service, in combating all kinds of crime, violence and extremism. It supports all efforts to control borders and boundaries, thus fostering regional stability. The Council supports and encourages further efforts to facilitate the return of all displaced persons from the Kosovo Serb and other communities. Interlocking progress in the areas of public security, political development and economic reform and reconstruction contributes to sustainable returns and requires maximum support from Member States and regional organizations. The Council calls upon the leaders of the provisional institutions of self-government actively to demonstrate their commitment and support efforts to promote security, returns, human rights, economic development and a multi-ethnic and fair society, with peaceful coexistence and freedom of movement for all the population of Kosovo.

The Council welcomes the decision of the Government of the Federal Republic of Yugoslavia to transfer Kosovo Albanian prisoners into the custody of the Mission and encourages further progress regarding the return of displaced persons to Kosovo and efforts to trace those still missing from all communities of Kosovo as well as the other issues identified in the UNMIK-FRY Common Document for cooperation between the Mission and the authorities of the Federal Republic of Yugoslavia signed on 5 November 2001. The Council considers that the further development of dialogue and cooperation between the provisional institutions of self-government, the Mission and the authorities of the Federal Republic of Yugoslavia is vital to the full and effective implementation of resolution 1244(1999).

The Council will remain actively seized of the matter.

Kosovo Assembly resolution

On 24 May [S/2002/574], FRY drew to the Security Council's attention the 23 May adoption by the Kosovo Assembly of a resolution on "the protection of the territorial integrity of Kosovo", which rejected the "Agreement for the delineation of the borderline between the Republic of Macedonia and the Federal Republic of Yugoslavia" [YUN 2001, p. 358], demarcating the borderline between those two States, as well as the UNMIK-FRY Common Document [YUN 2001, p. 358], defining issues and joint cooperation for the implementation of resolution 1244(1999). FRY asserted that the Kosovo Assembly resolution exceeded that body's competences provided for by the Constitutional Framework for Provisional Self-Government [YUN 2001, p. 352] and was contrary to Council resolution 1244(1999). FRY therefore requested an urgent Council meeting to consider the matter.

Since Kosovo's international relations were part of the reserved responsibilities of the Special Representative, he declared the Assembly's 23 May resolution null and void [S/2002/779].

Security Council Action

On 24 May [meeting 4545], following consultations among Security Council members, the President made statement S/PRST/2002/16 on behalf of the Council:

The Security Council reaffirms its relevant resolutions and statements regarding Kosovo, Federal Republic of Yugoslavia, in particular the statements by its President of 7 March and 9 November 2001.

The Council deplores the adoption by the Assembly of Kosovo, in its session of 23 May 2002, of a "resolution on the protection of the territorial integrity of Kosovo". It concurs with the Special Representative of the Secretary-General that such resolutions and decisions by the Assembly on matters which do not fall within its field of competence are null and void.

The Council calls upon the elected leaders of Kosovo to focus their attention on the urgent matters for which they have responsibility, in accordance with resolution 1244(1999) of 10 June 1999 and the Constitutional Framework for Provisional Self-Government in Kosovo. Concrete progress in those areas is of paramount importance to improve the life of the people.

The Council reiterates its full support for the Special Representative. It urges Kosovo's leaders to work in close cooperation with the United Nations Interim Administration Mission in Kosovo and the Kosovo Force, with a view to promoting a better future for Kosovo and stability in the region. All steps undermining those efforts are detrimental to this common objective.

Communications. FRY, in another 24 May letter [S/2002/585], stated that the Kosovo Assembly resolution contesting the Agreement and the
FRY-UNMIK Common Document brought into question the Council’s authority. FRY appreciated the position taken by the Council and welcomed the Special Representative’s decision to declare the resolution invalid. The legal aspects of the issue were clear and its political implications highly worrisome for the future of the province and the stability of the region as a whole.

To re-establish trust and confidence in Kosovo and Metohija, FRY called on the Kosovo Assembly to accept the Council’s position and rescind its resolution. It also called on the Council to devise concrete preventive mechanisms to ensure that the provisional institutions of self-government, including the Kosovo Assembly, abided by Council decisions and fully respected the authority of the Special Representative and UNMIK, and to sanction violations of resolution 1244(1999).

The Assembly of the former Yugoslav Republic of Macedonia (FYROM), in a 29 May declaration [S/2002/609], reaffirmed that the Republic’s borders with its neighbouring States were well defined and confirmed by bilateral agreements. FYROM underscored that the 2001 border agreement between it and FRY [YUN 2001, p. 368] had been ratified by the Parliaments of both States, supported by relevant international structures and recognized by the United Nations. It rejected the Kosovo provisional Assembly’s resolution, proposed that international organizations and institutions condemn the resolution as counter to the principle of inviolability of borders and to international law, and asked all neighbouring States to deplore its adoption. The FYROM Assembly supported the Special Representative’s decision and the EU’s position on the resolution, as well as the clear reaffirmation of the Security Council, as contained in the 22 May press statement of its President [SC/7497], that the FRY-FYROM border agreement had to be respected by all.

**Progress in transfer of authority**

Report of Secretary-General (July). The Secretary-General reported on 17 July [S/2002/779] that the formation of Kosovo’s multi-ethnic Government was finally completed with the nomination, at the end of May, of Kosovo Serb representatives for the positions of Minister for Agriculture, Forestry and Rural Development and inter-ministerial Coordinator for Returns in the Office of the Prime Minister. The entire Government was sworn in on 12 June. The Assembly adopted the Government’s programme, whose priorities included consolidating democratic structures, improving education and health care, promoting economic development, protecting the rights and interests of communities, including the right to return, and regional integration. The Assembly also endorsed the benchmarks outlined by the Special Representative in April (see p. 369).

Progress in the transfer of responsibilities to the executive branch of the provisional institutions of self-government varied from ministry to ministry, but overall proceeded fairly smoothly. Gradual progress was also made in advancing the legislative process: the Assembly passed its first law, on the methodology for determining the level of basic pensions; draft laws on education and forestry were at the committee stage; and the Assembly Support Initiative, run by UNMIK and led by OSCE, intensified its support and technical advice to the Assembly committees and trained their chairpersons in examining and amending draft legislation. Assembly members also gained experience from working visits to other Parliaments, notably their May visit to the Northern Ireland Assembly to see the work of another assembly built against a background of community division; and the participation in June of a 30-member multi-ethnic Assembly delegation in a workshop in the United States on developing good governance, followed by a visit to the United States Congress.

The executive and the legislature took steps to protect the rights and interests of communities. The Assembly enlarged the membership of its functional committees to accommodate adequate minority representation, while the Office of the Prime Minister established an Expert Group on Diversity Review, with governmental and multi-ethnic participation, to promote and monitor non-discriminatory government policy. However, despite the reasonably good working relationship among Assembly members representing different communities in the Assembly Presidency and committees, proposals by Kosovo Serb Assembly members were sometimes ignored, as were their suggested amendments to draft legislation. On 4 July, they walked out of the Assembly meeting after its President failed to include their amendments in the draft resolution on the rights of communities and their members and on the conditions for the return of internally displaced persons and refugees. At the same session, the Assembly President threatened Kosovo Serb members with sanctions if they continued to refer to the province as Kosovo and Metohija. UNMIK was working with the President and the individual parties to address those issues.

On the question of the distinction between transferred and reserved responsibilities, as provided under the Constitutional Framework, the Special Representative had to intervene on sev-
eral occasions to clarify the areas for which he had sole responsibility, as in the case of international relations, where he had to declare null and void the Assembly’s 23 May resolution rejecting the border demarcation agreement between FRY and FYROM (see p. 370), and a memorandum of understanding on economic cooperation between the Kosovo Minister of Trade and Industry and his Albanian counterpart. Guidelines had since been issued for concluding agreements between the provisional institutions and Governments and international organizations.

Despite the jostling for more responsibilities, the overall relationship between UNMIK and the provisional institutions in the initial transfer phase was good. The establishment in May of the Economic and Fiscal Council enhanced consultations and policy coordination between UNMIK and the provisional institutions. The Council discussed the Kosovo Trust Agency, the Kosovo Pension Savings Trust, draft legislation on public financial management and accountability, and the need for coherence and coordination of legislation in the transferred and reserved areas of responsibility.

Building a professional civil service remained difficult, due in large part to the low salaries offered. An important step forward was the short-listing of candidates for the posts of permanent secretaries in the ministries and in the Office of the Prime Minister. Progress in recruiting minority civil service members remained mixed. UNMIK continued to provide favourable conditions for minority recruits. In June, it signed a memorandum on the establishment of proportional community representation, which entrusted the Ministry of Public Services with ensuring that members of internally displaced and refugee communities, especially minority communities, were eligible for civil service positions. It also specified the need for a detailed affirmative action plan to help the ministries and the municipalities meet proportional ranges for ethnic and gender representation throughout the civil service.

Report of Secretary-General (October). On 9 October [S/2002/106], the Secretary-General reported that the benchmarks process had been explained to local political leaders, officials and civil servants, and widely publicized under the slogan “Standards before status”. Most political forces welcomed that approach and expressed willingness to work towards achieving the agreed standards. UNMIK was developing progress indicators to track achievements and highlight those areas needing intensified efforts. The provisional institutions of self-government also created a mechanism to track progress, with action plans for achieving the expected standards already developed in some areas. Further efforts would focus on engaging the municipal-level institutions after the October municipal elections (see p. 374).

At the executive and legislative levels, capacity-building programmes for the Assembly continued with workshops on rules of procedure, committee work and decision-making. Senior minority-community representatives in the Assembly participated in a training programme in Geneva on negotiation and decision-making skills. Belgium assisted the Assembly’s language unit to boost its translation capabilities in line with the needs of a multilingual Assembly. The Assembly approved the Laws on Primary, Secondary and Higher Education in Kosovo, which were supported by a large majority of Kosovo Albanian deputies, but all amendments proposed by the other deputies were voted down, particularly a provision on higher education that would have made the university in northern Mitrovica, attended by Kosovo Serbs, part of a unified educational system. The Kosovo Serb deputies invoked the special procedure under the Constitutional Framework for the legal protection of minority community interests by submitting a motion to the Presidency claiming that the law, or certain of its provisions, violated the vital interests of the Kosovo Serb community. Since no consensus could be reached, the Special Representative appointed a special panel, chaired by an international expert, to consider the Kosovo Serb challenges. The panel’s recommendation of language that would have provided the basis for the continued functioning of the university in northern Mitrovica was rejected by the Assembly, attended by Kosovo Serbs, part of a unified educational system. The Kosovo Serb deputies invoked the special procedure under the Constitutional Framework for the legal protection of minority community interests by submitting a motion to the Presidency claiming that the law, or certain of its provisions, violated the vital interests of the Kosovo Serb community. Since no consensus could be reached, the Special Representative appointed a special panel, chaired by an international expert, to consider the Kosovo Serb challenges. The panel’s recommendation of language that would have provided the basis for the continued functioning of the university in northern Mitrovica was rejected by the Assembly.

The Government made a concerted effort to improve its work by developing a matrix for better controlling the legislative process for laws under review. Substantive progress was also evident in the ministries. In the health sector, the registration and issuance of licences to doctors, except those working in Kosovo Serb enclaves, were completed and the registration of nurses was underway. With the start of the 2002/03 school year, the first phase of reforms of the educational system was introduced, with a view to bringing Kosovo’s educational system in line with European standards. A basic pension scheme covering more than 130,000 potential beneficiaries was introduced and more than 21,000 recipients from all communities received their first payments. More than two thirds of the municipalities had been certified by the Central Fiscal Authority to collect fees and charges, making them
less dependent on central authorities and the donor community. Kosovo Serb participation in the municipal structures as appointed members of the municipal assemblies had, in some places, yielded results for their communities, especially in employment in the municipal civil service, in the distribution of municipal revenue, in the joint use of municipal facilities, and in the determination of street names and municipal refugee return plans. However, most municipalities remained in a stalemate on such issues. During the first half of the year, only 3 of the 24 municipalities with a minority population allocated a fair share of their finances for minority communities.

The continued existence of parallel administrative structures challenged the day-to-day operations of some of the ministries and municipalities, principally in education, health and administrative services. UNMIK worked to change the political dynamic to provide an incentive for dismantling those structures and to encourage all communities to participate in joint institutions.

Under the continuing recruitment and training of civil servants, 5 of the 11 Permanent Secretaries for the ministries had been appointed; a comprehensive training-needs assessment was under way at the municipal and central levels to establish standards and design a training curriculum; and information technology capacities were strengthened at the central level, as were the capacities of municipal civil servants in government procedure, language and computer skills and professional knowledge. Obstacles to increasing minority representation in the civil service remained, including security concerns, inter-ethnic tension in the workplace, limitations on freedom of movement, and the limited pool of qualified minority applicants willing to work within the service. The Ministry of Education, Science and Technology was the most ethnically mixed, with 27 per cent minority employees at the central level, followed by the Ministry of Health with 12 per cent. At the municipal level, numbers increased but had not reached desired levels. A fair proportion of minorities were employed in only 8 of the 24 ethnically mixed municipalities.

**Situation in Mitrovica**

Mitrovica region, the northernmost part of Kosovo province, comprised six municipalities, separated by the Ibar River into north (Leposavic, Zubin Potok and Zvecan), inhabited mostly by Kosovo Serbs, and south (Mitrovica, Srbica and Vucitrn), inhabited mostly by Kosovo Albanians. Mitrovica town, also divided along ethnic lines into north and south by the Ibar River, was connected by a bridge over that river.

During the year, Mitrovica town remained a challenge to the implementation of resolution 1244(1999) and the authority of the international community in Kosovo. Violence flared on 8 April, with serious rioting in northern Mitrovica following the arrest by UNMIK police of a Kosovo Serb member of the so-called bridge gang. Approximately 300 Kosovo Serb protesters, armed with stones and hand grenades, confronted UNMIK police, resulting in the injury of 22 of them and Polish Special Police Unit officers. Four Kosovo Serbs were detained and movement restrictions were imposed. Tension built up as demonstrations and vandalism of UNMIK vehicles followed the arrest of two Kosovo Serbs on 21 February on murder charges.

The Security Council, in presidential statement S/PRST/2002/11 of 24 April (see p. 369) condemned the 8 April attacks on the UNMIK police.

KFOR and UNMIK police strengthened cooperation to ensure a safe and secure environment, removing or reducing the influence of parallel security structures and combating crime, but the so-called bridge gang still enjoyed considerable support due to the general feeling of insecurity in the Kosovo Serb community. KPS officers did not serve in the northern part of Mitrovica town or in Zvecan, but there were mixed patrols in southern Mitrovica town. Kosovo Serb KPS officers served successfully in the northern municipalities of Zubin Potok and Leposavic. KFOR support was required to enforce the same policing standards in northern Mitrovica, where the challenge for UNMIK was meeting the needs of Kosovo Serbs for security and services within a unified city without allowing parallel structures to exist.

Following the April violence, UNMIK sought to stabilize the security situation on the ground by doubling the number of its police in northern Mitrovica and engaging FRY authorities in dialogue to secure public support for change on the ground. To help eliminate the parallel administrative and security structures, UNMIK launched, on 10 June, a special campaign to recruit Kosovo Serbs from northern Mitrovica to join KPS.

In February, UNMIK opened a community office in the northern part of Mitrovica to deliver administrative services, including civil registration, and to stimulate economic development. Former municipal workers demonstrated against the office, whose staff received threats. Economic regeneration efforts included the opening of a Business Development Centre in southern Mitrovica on 11 April. A similar centre was envis-
aged for northern Mitrovica as soon as circumstances allowed. Economic reintegration in northern Kosovo remained a high priority. A number of donor programmes, generally targeted at medium-scale infrastructure development, were being developed in the area, and the increased availability of banking services, such as the opening of a branch of the American Bank of Kosovo in Zvecan in June, supported some private sector development. The creation of the Kosovo Trust Agency, with a regional team in Mitrovica, would further those efforts.

On 1 October, the Special Representative proposed a seven-point plan for Mitrovica, which included a commitment to no incursions from southern Mitrovica into northern Mitrovica; regular policing in the north by Kosovo Serbs as part of KPS; a coalition agreement for co-governance between Kosovo Albanian and Kosovo Serb political parties in the Mitrovica Municipal Assembly; a further decentralization of responsibility to the local level across Kosovo; relocation of the Kosovo Trust Agency headquarters to northern Mitrovica; the convening of a donor conference specifically for Mitrovica; and a call on all to participate in the October municipal elections.

The EU Presidency, in a 4 October statement [S/2002/1128], expressed the full support of the EU for the Special Representative’s seven-point plan for Mitrovica. The EU would continue to assist all of Kosovo’s inhabitants and communities in moving closer to European standards and in making Mitrovica a normal European town. To that end, participation of all voters, including those from minority communities, was crucial in the upcoming municipal elections.

In further developments, UNMIK, on 25 November, established its administration in northern Mitrovica, thus extending its authority throughout the whole of Kosovo for the first time since its deployment in June 1999. That was made possible by the agreement of the FRY authorities to discontinue the financing of parallel structures, including parallel security structures, and to support UNMIK in assuming control of the administrative functions and developing KPS in northern Mitrovica. However, some institutions, especially in the health sector, still continued to receive financing from Belgrade.

UNMIK began implementing relevant provisions of the seven-point plan for Mitrovica. By the end of the year, KFOR and UNMIK police had begun to man the bridge across the Ibar River in place of the so-called bridge-watchers. Six Kosovo Serb correctional officers who graduated from the KPS school on 5 December were assigned to the Mitrovica detention centre. So far, 60 Kosovo Serbs had been recruited to work for the UNMIK administration, most of whom had worked in the pre-conflict municipal administration.

Progress was also made regarding the rule of law, with the surrender on 9 October of a Kosovo Serb leader suspected of involvement in the injury to 22 UNMIK Special Police Unit officers in Mitrovica during the April riots (see p. 373). The trial of another Kosovo Serb charged with instigating those riots began on 22 November.

**Municipal elections**

The Secretary-General reported in July [S/2002/779] that an important element in the preparation of Kosovo’s second municipal elections, scheduled for 26 October, was the increase in responsibilities of the local electoral bodies, particularly the municipal election commissions. The UNMIK institution-building pillar assumed direct management of the by-mail and out-of-Kosovo electoral operations in Serbia proper and Montenegro. Several Kosovo Serb representatives issued statements conditioning their participation in the elections on the establishment of separate Kosovo Serb municipalities, an idea presented to the Security Council on 24 April [meeting 438] by Nebojsa Covic, Serbia’s Deputy Prime Minister and head of the FRY Coordinating Centre for Kosovo. The Special Representative made clear to Mr. Covic and to the FRY authorities that such “cantonization” or “territorialization” was not a feasible option. Instead, UNMIK examined ways to use existing regulations to provide for the further devolution of responsibilities to the community level.

In October [S/2002/1126], the Secretary-General reported that, despite a political environment that had become more tense since the campaign period began on 10 September, there had been no election-related violence. The impact of the recent arrests of former Kosovo Liberation Army (KLA) members had influenced the campaign in some municipalities, particularly those with strong support for PDK and AAK. In July and August, 68 political entities were certified by the Central Election Commission to contest in one or more of Kosovo’s 30 municipal assemblies, including 30 Kosovo Serb political entities. By September, the Commission had registered some 5,500 candidates, of whom 27 per cent were women, and 1.3 million voters (some 1.2 million in Kosovo, 109,000 in Serbia proper and Montenegro, and some 7,800 in 37 countries worldwide).

Some of the Commission decisions, such as the certification of Serb political entities, were criticized by Kosovo Albanian groups and media. Calls to boycott the elections came from two small
radical Kosovo Albanian political parties, as well as from the Kosovo Serb community in connection with the attempted arrest of a Kosovo Serb leader and the demand for a separate municipality in northern Mitrovica. However, the FRY President had publicly called on all Kosovo Serbs to participate in the elections.

SECURITY COUNCIL ACTION

On 24 October [meeting 4635], following consultations among Security Council members, the President made statement S/PRST/2002/29 on behalf of the Council:

The Security Council reaffirms its continued commitment to the full and effective implementation of Council resolution 1244(1999) of 10 June 1999 in Kosovo, Federal Republic of Yugoslavia, commends the Special Representative of the Secretary-General and the Commander of the Kosovo Force for the ongoing efforts to this end and calls upon the provisional institutions of self-government, local leaders and all others concerned to cooperate fully with them.

The Council welcomes the progress made in preparing for the municipal elections on 26 October 2002 and calls upon all eligible voters, including those from minority communities, to seize the chance to have their interests properly represented by taking part in the elections. The Council expresses its firm belief that wide participation in the voting is essential to providing the best opportunity for future progress towards the building of a multi-ethnic and tolerant society.

Security Council consideration (November). The Under-Secretary-General for Peacekeeping Operations, reporting on the outcome of the elections to the Security Council on 6 November [meeting 4643], said that the campaign was largely free of violence and election day itself passed peacefully. The Council of Europe Election Observation Mission confirmed that the election was “in line with Council of Europe principles and international standards for democratic elections”. Some 12,000 domestic observers were accredited for the vote.

The overall turnout was 54 per cent (58 per cent in Kosovo and 14 per cent for those voting in Serbia and Montenegro). That turnout was further depressed by the low participation (around 20 per cent) of the Kosovo Serbs, who voted predominantly in the five municipalities where they constituted a majority: Leposavic, Zvecan and Zubin Potok (the three northern municipalities), Strpce and Novo Brod; their participation was minimal in areas where they were a minority, with a virtual boycott in northern Mitrovica town.

The Special Representative certified the election results on 3 November. President Rugova’s LDK won the majority in 11 of the 30 municipalities and gained the highest number of votes in a further eight, compared to its previous outright majority in 19 municipalities. Kosovo-wide, LDK gained approximately 46 per cent of the vote, similar to its performance in the 2001 Assembly election.

PDK won a majority in four municipalities, gaining 29 per cent of the vote, up 2 per cent from the 2001 Assembly election. PDK had signalled its intention to co-govern wherever possible with AAK, the third main Kosovo Albanian party, which won no municipality outright. AAK gained 6 per cent of the overall vote, similar to the previous year’s results.

On the basis of their participation, the Kosovo Serbs won the majority in the five municipalities mentioned above. The results showed that, where they took part in large numbers, the Kosovo Serb Return Coalition lost out to Belgrade-based parties, mainly President Kostunica’s Democratic Party of Serbia (DSS) and to the Serb National Council Mitrovica (SNC). In those areas where they did not constitute a majority, the Return Coalition gained one seat each in 11 municipal assemblies and two in the Kamenica municipal assembly. DSS gained one seat each in 5 municipal assemblies.

In total, 40 of the 68 political entities represented on the ballot won at least one seat, meaning that nearly all of Kosovo’s minority communities were represented in municipal assemblies. Kosovo’s Turkish community, which had boycotted the 2000 elections, gained a seat in the Pristina municipal assembly and four seats in Prizren.

Women would make up some 28.5 per cent of the membership of the new municipal assemblies, an improvement on the 8 per cent achieved in the 2000 elections. A surprising result was the performance of new locally organized, politically unaffiliated initiatives, which received one or more seats in approximately half of Kosovo’s municipalities.

The day after the elections, on 27 October, the Kosovo Albanian municipal assembly President of Suva Reka, who belonged to President Rugova’s LDK, was killed.

Security Council mission to Kosovo

On 21 November [S/2002/1271], the Security Council President informed the Secretary-General that, at the invitation of the Special Representative, the Council had agreed to dispatch a mission to Kosovo and Belgrade from 13 to 17 December, to find ways to enhance support for the
and security was improving. KPS was increasing in numbers and the judiciary was in the process of being re-established, with multi-ethnicity continuing to be promoted in both bodies. For the first time, the number of minority returnees surpassed those leaving. Nevertheless, the overall figures of internally displaced persons and refugees returning to communities where they had been in the minority remained low. Preparations for privatization were progressing, and cooperation between UNMIK and Belgrade had improved. The establishment of UNMIK administration in the northern part of Mitrovica marked an important move against parallel institutions.

The formulation of benchmarks (see p. 369) for the realization of standards was a constructive approach for Kosovo’s further development as a democratic, multi-ethnic society, and the mission hoped that they could be worked out with local authorities so as to build local “ownership” of them. The Special Representative’s policy of “Standards before status” (see p. 372) was the only viable way forward.

Despite those positive developments, the situation in Kosovo remained fragile. Much had yet to be done by UNMIK and Kosovo’s institutions and communities, especially with respect to the rule of law, sustainable return of minorities, local ownership of Kosovo’s progress, democratic development, inter-ethnic reconciliation and dialogue, cooperation between Pristina and Belgrade, and the fight against organized crime.

Considerable attention and resources had to be dedicated to the return of minority refugees and displaced persons, especially region-wide, and local commitment had to support conditions for the achievement of a sustainable return process, namely, security, confidence-building measures and economic viability. UNMIK, together with local institutions and civil society, should continue to pursue a comprehensive approach to move the return process forward, keeping in mind that reconciliation and dialogue were paramount in that regard. The resolution of the fate of missing persons from all communities was an important contribution to reconciliation. UNMIK was encouraged to press forward on those issues in consultation with the International Committee of the Red Cross (ICRC), KFOR, the provisional institutions, concerned local non-governmental organizations (NGOs) and Belgrade, and to keep the Council regularly informed.

The mission pointed out that the progress achieved so far had been driven to a large extent by the international community, while local ownership and commitment to those processes had been less than expected. UNMIK should further involve the local institutions and political leaders.
in the formulation and implementation of political goals and strategies, especially the implementation of the benchmarks for the eight standards articulated in the “Standards before status” policy. A greater degree of local ownership of, and commitment to, the realization of those standards was a prerequisite for their ultimate successful implementation.

Noting the low levels of participation, especially of Kosovo Serbs, in the municipal elections (see p. 374), the mission urged greater effort by the local institutions towards promoting participation in the political process, with special emphasis on the inclusion of, and respect for, the views and interests of all communities. The mission stressed a “results-oriented” approach through consensus.

The mission underscored the necessity for elected representatives to act in a solution-oriented manner in providing basic services for the inhabitants of their municipalities. The handing over of responsibilities from UNMIK to locally elected bodies should be done in a way that ensured local ownership and accountability. Municipal assemblies had huge tasks to address, particularly the fostering of dialogue, reconciliation and conditions for sustainable return, and the fight against corruption. The mission urged UNMIK to support efforts in that regard and, in consultation with local institutions and elected representatives, to further elaborate the proposal for a decentralization of competences to municipalities without delay. The mission felt that the time had come for cooperation between Pristina and Belgrade on practical issues, which UNMIK and the provisional institutions of self-government should facilitate.

The mission underscored the importance of viewing developments in Kosovo in a regional perspective, and pointed to the need for regional cooperation, especially in combating organized crime, including trafficking. It was of the view that, in the light of the many difficult issues yet to be resolved, continued substantial international engagement in Kosovo would be necessary for the foreseeable future.

**UN Interim Administration Mission in Kosovo (UNMIK)**

The United Nations Interim Administration Mission in Kosovo, established in June 1999 (YUN 1999, p. 357) to facilitate a political process to determine Kosovo’s political future, comprised five components referred to as pillars: interim administration (led by the United Nations); institution-building (led by OSCE); economic reconstruction (led by the EU); humanitarian affairs (led by UNHCR); and police and justice (led by the United Nations). UNMIK was headed by the Special Representative of the Secretary-General, Michael Steiner (Germany), appointed by the Secretary-General in an exchange of letters with the Security Council on 21 and 23 January [S/2002/105, S/2002/106] to replace Hans Hackkerup (Denmark).

**Sectoral developments**

**Kosovo minority communities**

Of an estimated 2,668 minority refugee returns in 2002, 35 per cent were Kosovo Serbs, 46 per cent Roma/Ashkalis/Egyptians and 11 per cent Kosovo Albanians. No reliable figures were available of those who had left by the end of the year, but it was estimated that, overall, there was a net inflow. Most returns were to small, traditionally mono-ethnic villages. The largest number of returns to mixed communities occurred in the Gnjilane municipality. The demographic structure of the returnee population tended to be weighted towards the elderly. Few professionals returned.

At a donor coordination meeting (Brussels, 5 November), UNMIK introduced its 2003 Strategy for Sustainable Returns, which emphasized the need for a grass-roots approach and focused on multisectoral projects that engaged the entire community in the return effort. The strategy called for 16.6 million euros in external assistance for up to 44 projects, as well as 7.5 million euros for a flexible fund to address spontaneous individual returns. An additional 7.7 million euros were being sought to support displaced persons who had returned during 2002 but were awaiting assistance. On 1 November, UNMIK established the Task Force on Returns, comprising representatives of UNMIK, KFOR, the provisional institutions and UNHCR, to ensure effective and consistent implementation of returns policies among key institutions, as well as to provide high-level support and oversight for the returns process.

Engagement in the returns process by the provisional institutions at the central and municipal levels continued to grow, although it was not matched by actions to create enabling conditions and assist in the implementation of returns projects. Minority community members continued to face the risk of ethnically motivated violence and harassment, although improvements in the freedom of movement and in security conditions had contributed to enhanced opportunities for return in some areas. Returns projects had been implemented in each region of Kosovo, including Bica (Pec region), Zhupa Valley (Prizren region), Makres (Gnjilane region), Vucitrn
the FRY Coordination Centre for Kosovo visited
10 April, a delegation of three Serb lawyers from
Serbia proper to choose their place of detention
in accordance with the 1983 Council of Europe
Convention on the Transfer of Sentenced
Persons, allowing prisoners in Kosovo to
Kosovo Albanian detainees to Kosovo from Serbia proper.
The Special Representative, which the EU wel-
comed FRY’s decision to transfer the Kosovo
Albanian prisoners to UNMIK custody.
Substantial progress was made in building
local law enforcement capacity. By July, some
4,770 KPS officers had completed basic training
and had been or were in the process of being inte-
grated into the operational law enforcement re-
gime with UNMIK police. A senior rank structure
was incrementally introduced in KPS and the first
promotions were being awarded. By October, the
total number of KPS officers had increased to
5,240, of whom 15.66 per cent were female and
14.78 per cent were from non-Kosovo Albanian
communities. For the first time, the number of
KPS officers exceeded that of UNMIK police. Law-
and-order functions continued to be devolved to
KPS by KFOR and UNMIK police, while KFOR gradu-
ally transferred policing responsibility for the
boundary/border crossing points.
UNMIK remained committed to increasing the
representation of minority communities in the
local judiciary. The Special Representative, with
Mr. Covic, and the Serbian Justice Minister,
Vladan Batic, reached an agreement in principle
(Belgrade, 6 July), by which FRY authorities
would encourage Kosovo Serb judges and prosecu-
tors residing in Serbia proper and in Kosovo to
apply for positions in Kosovo by 15 July and the
Government of Serbia would guarantee pension
and social security rights. However, significant
progress in the recruitment of Kosovo Serb
judges and prosecutors depended on Serbia’s
dismantling of the parallel court structures in
which many former judges and prosecutors were
employed.
The local judicial system comprised 341
judges and prosecutors, including 319 Kosovo Al-
banians, 4 Kosovo Serbs, 7 Kosovo Turks, 9
Kosovo Bosniacs and 2 Kosovo Roma. The
Kosovo Judicial and Prosecutorial Council had
finalized a shortlist of 94 candidates, 52 per cent
of whom were minority applicants, for 40 adver-
tised vacancies. Twelve international prosecutors
and 12 international judges continued to work in
the justice system. Courts were reopened in
Leposavic and Zubin Potok. On 11 December, the
Special Representative appointed 42 additional
judges and prosecutors (21 Kosovo Serbs, 19
Kosovo Albanians, 1 Kosovo Bosniac and 1
Kosovo Gorani), bringing the total Kosovo judi-
ciary to 373, including 16 Kosovo Serbs and 17
from other minority communities. Thirteen of
the new Kosovo Serb appointees had been sworn
in, while the remaining eight had hesitated ow-
ing to security and remuneration concerns. The
local judiciary handled 90 per cent of all criminal

Judicial system and rule of law

Lengthy negotiations between UNMIK and the
head of the FRY Coordination Centre for Kosovo culminated in the 26 March transfer of 146
Kosovo Albanian detainees to Serbia proper. That event was preceded by the hand-
ing over of court files relating to the majority of
the remaining detainees. A review of those files by
UNMIK’s Department of Justice resulted in the
release of 80 detainees on 27 March by order of the
Special Representative, which the EU wel-
comed in a statement on the same date (S/2002/
345). UNMIK was reviewing the case files of the re-
main ing detainees to determine whether they
should be retried or released. On 29 March, a
further 11 prisoners diagnosed with mental ill-
nesses were transferred from Serbia proper to
UNMIK custody at the Dubrava prison hospital;
their case files were also being reviewed by an in-
national judge. A smaller number of detainees
convicted of crimes unrelated to the recent con-
flict would serve out their sentences in Kosovo.

On 3 April, in Belgrade, the Special Representa-
tive signed the Agreement on the Transfer of
Sentenced Persons, allowing prisoners in Kosovo
and Serbia proper to choose their place of deten-
tion in accordance with the 1983 Council of Eu-
rope Convention on the Transfer of Sentenced
Persons. UNMIK had identified 16 Kosovo Serb
prisoners who met the conditions for transfer. On
10 April, a delegation of three Serb lawyers from
the FRY Coordination Centre for Kosovo visited
those detainees in the Pristina and Mitrovica
detention centres but none expressed interest in
being transferred to jails in Serbia proper.

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and civil cases. The new appointees would receive training on the applicable law by the Kosovo Judicial Institute, established by UNMIK’s institution-building pillar.

On 24 September, the trial of two Kosovo Albanian, formerly KLA members, accused of having committed crimes against Kosovo Serbs in 1999, began in Gnjilane. In two separate court cases, two Kosovo Serbs accused of committing crimes against Kosovo Albanians in 1999 and 2000 were acquitted. Intimidation of witnesses remained a concern and current legal provisions and material resources remained insufficient to deal with that problem, notably through an effective witness protection programme. On 19 November, an international prosecutor indicted four Kosovo Albanians on war-crimes charges. On 17 December, five other former KLA members were convicted for crimes committed in the Pec region in 1999 and sentenced to terms ranging from three to five years. One was convicted of murder and sentenced to 15 years. On 11 November, an international prosecutor indicted two Kosovo Albanians on charges of terrorism. By the end of 2002, 29 international judges and prosecutors were dealing with sensitive cases related to terrorism, war crimes and organized crimes.

Progress was made in developing the penal system in line with modern European standards. By year’s end, the Conditional Release Commission, established on 1 October, had granted conditional release in 16 of the 20 cases it had considered.

Security situation

Crime statistics reflected an overall decline in serious crime in Kosovo throughout 2002. However, several cases of violence with political overtones had occurred. In Mitrovica, after eight months of calm, violence flared at the beginning of April (see p. 373). On 27 October, the LDK President of the Suva Reka municipal assembly was murdered, as were a prominent lawyer and human rights activist involved in the issue of missing persons on 4 November and a former KLA member on 25 December. An attempted murder took place in mid-December of a Kosovo Albanian reported to be a prosecution witness in a high-profile case against former KLA members.

Ethnically motivated crimes continued. In July, a series of explosions destroyed Kosovo Serb homes in the Gnjilane region and Albanian youths attacked a Kosovo Serb woman in Pristina. In one incident, Kosovo Albanian gunmen targeted UNMIK police and KFOR who were protecting Kosovo Serb woodcutters during a gunfight in the Pec region. In August, the arrest and indictment of several former KLA members on charges of serious crimes, including murder, committed against fellow Kosovo Albanians in 1999 led to protests, primarily in the Pec and Pristina regions. Protests also occurred in northern Mitrovica against the attempted arrest of a Kosovo Serb leader, which failed, however, to mobilize widespread public support. On 19 August, the Government passed a resolution condemning the arrests of some Kosovo Albanian suspects and the attempted arrest of a Kosovo Serb suspect and accusing UNMIK of having taken “political prisoners”. UNMIK and the international community, including the EU, in a 20 August statement [S/2002/965], condemned the resolution. Subsequent statements by Kosovo Albanian leaders supported those arrests.

Economic crime and corruption remained pervasive. A number of suspects were apprehended on charges of tax evasion, smuggling, money-laundering and fraud. On 24 September, two senior officials from the cadastre office in Pristina municipality were arrested on suspicion of involvement in thousands of illegal property transactions. Furthermore, most of the 4.5 million euros taken from the Kosovo Electric Company were returned to Kosovo. Efforts continued to boost the operational capacity of the Kosovo Organized Crime Bureau.

Economic reconstruction and development

In 2002, Kosovo’s economy improved, but long-term development and stability remained problematic. The estimated gross domestic product (GDP) for 2002 was 1.99 billion euros, compared with 1.4 billion euros in 2000. That high rate of growth, a 14 per cent nominal, or an 8 per cent real increase year-on-year, was largely attributable to a low post-conflict starting base and to a significant inflow of foreign aid and remittances from the diaspora. GDP per capita was estimated at 1,028 euros. Gross national product (GNP) per capita amounted to 1,200 euros in 2001, up 13 per cent from the year before, and was estimated to have grown by a further 7 per cent in 2002.

Imports were extremely high at 2,100 million euros in 2001, exceeding GDP. In 2002, exports were estimated to have risen only slightly to 210 million euros, compared to 180 million euros in 2001, while imports were expected to amount to 2,277 million euros. Kosovo’s projected 2002 trade deficit of 2,076 million euros exceeded its GDP by 5 per cent.

Total revenue was expected to increase to 396.3 million euros in 2002. A medium-term expenditure framework analysis had been added to the budget development process, which improved the macroeconomic and fiscal bases of a multi-year budget and increased the predictabil-
ity of policy and funding for improved budget planning for the 2003-2005 period.

High unemployment posed a major challenge. In the enterprise sector, the number of registered enterprises had stabilized, but only small private firms continued to grow. On 13 June, the Special Representative promulgated regulation 2002/12 establishing the Kosovo Trust Agency (KTA), and regulation 2002/13 establishing a special chamber of the Supreme Court of Kosovo for matters related to KTA, which would permit the privatization of Kosovo’s socially owned enterprises and enhance efficient management of key providers of public utility services. KTA had begun to examine the assets, commercial viability and cadastral records of some 500 socially owned enterprises. It would also take over the responsibility for a number of State-owned enterprises, including those for the supply and distribution of electricity, telecommunications and the airport. KTA approved the commercialization of five socially owned enterprises and had begun to apply to socially owned enterprises the same laws regulating private enterprises, particularly as regards taxation and employment practices, thus enabling KTA to determine their financial viability and improve monitoring of their financial performance. Missing documentation on identification and financial reporting of socially owned enterprises remained a constraint.

The commercial banking sector had developed well. In October, the one-hundredth bank branch was opened, and by early December the Banking and Payments Authority (BPK) had licensed 127 commercial outlets, four of them in areas inhabited by minority communities. Two banks continued to operate in the northern part of Kosovo without BPK supervision or approval. Total deposits in the banking sector currently amounted to some 403 million euros, thought to represent approximately one third of total savings held by the general public. A similar sum was thought to be held in cash outside the banking sector and some 500 million euros in banks outside Kosovo. Kosovo-based commercial banks had outstanding loans of 82 million euros, or 20 per cent of total deposits.

The provisional institutions and the EU-led economic reconstruction pillar of UNMIK launched several initiatives to promote economic development. To attract foreign investment, they held a series of investment conferences to inform Kosovo diaspora businessmen about investment opportunities in Kosovo. In addition, the Ministry of Trade and Industry established a Regional Development Agency in Prizren in cooperation with the Government of Slovenia.

By October, Kosovo’s electricity supply was at its peak since the end of the conflict. However, on 19 July, lightning damaged the Obilic power station, knocking out of service almost two thirds of Kosovo’s electricity-generating capacity. An Energy Committee, chaired by the Special Representative, approved a comprehensive repair programme, endorsed the Government’s Energy Savings Plan and approved a 20-million-euro energy import package to supplement domestic production until the end of the year. Despite the speedy response by the donor community to enable repairs, a return to normal operation was unlikely before the summer of 2003. Funding to repair the power station’s fire-damaged section was still being sought. A 13.5-million-euro capital investment programme for the Pristina airport was on course to help the airport cope with increased traffic.

The fourth donor meeting for Kosovo (Brussels, November) discussed the management of a smooth and effective transfer of responsibilities to the provisional self-government institutions and Kosovo’s general macroeconomic outlook. Although the meeting was not a pledging conference, the need for some 500 million euros in external assistance in the next three years was highlighted and acknowledged by many donor representatives.

Financing


GENERAL ASSEMBLY ACTION

On 27 June [meeting 105], the General Assembly, on the recommendation of the Fifth Committee [A/56/977], adopted resolution 56/295 without vote [agenda item 155].

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,

Recalling Security Council resolution 1244(999) of 10 June 1999 regarding the establishment of the
United Nations Interim Administration Mission in Kosovo,
Recalling also its resolution 53/241 of 28 July 1999 on the financing of the Mission and its subsequent resolutions thereon, the latest of which was resolution 55/237 B of 14 June 2001,
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 (XXXIII) 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 2002, including the contributions outstanding in the amount of 97.3 million United States dollars, representing some 8 per cent of the total assessed contributions, notes with concern that only seventy-two Member States have paid their assessed contributions in full, and urges all other Member States, in particular those in arrears, to ensure payment of their outstanding assessed contributions;
2. Expresses its appreciation to those Member States which have paid their assessed contributions in full and on time, and 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;
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. Restates 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;
Financial performance report for the period from 1 July 2000 to 30 June 2001
11. Takes note of the report of the Secretary-General on the financial performance of the Mission for the period from 1 July 2000 to 30 June 2001;
Budget estimates for the period from 1 July 2002 to 30 June 2003
12. Decides to appropriate to the Special Account for the United Nations Interim Administration Mission in Kosovo the amount of 344,966,100 dollars for the period from 1 July 2002 to 30 June 2003, inclusive of 350 million dollars for the maintenance of the Mission, 13,364,900 dollars for the support account for peacekeeping operations and 1,601,200 dollars for the United Nations Logistics Base;
Financing of the appropriation
13. Decides also to apportion among Member States the amount of 344,966,100 dollars at a monthly rate of 28,747,175 dollars, in accordance with the levels set out in resolution 55/235, as adjusted by the General Assembly in its resolution 55/236 of 23 December 2000, and taking into account the scale of assessments for the years 2002 and 2003 as set out in its resolution 55/5 B of the same date;
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 24,931,560 dollars approved for the Mission for the period from 1 July 2002 to 30 June 2003 at a monthly rate of 2,077,625 dollars, comprising the estimated staff assessment income of 22,968,900 dollars for the period from 1 July 2002 to 30 June 2003, the prorated share of 1,889,900 dollars of the estimated staff assessment income approved for the support account for the period from 1 July 2002 to 30 June 2003 and the increase in staff assessment income of that account for the period from 1 July 2002 to 30 June 2003 and the reduction in staff assessment income of that account for the period from 1 July 2000 to 30 June 2001;
15. Decides that for Member States that have fulfilled their financial obligations to the Mission, there shall be set off against their apportionment, as provided for in paragraph 13 above, their respective share of the unencumbered balance of 66,538,000 dollars and their respective share of other income of 29,041,000 dollars in respect of the financial period ended 30 June 2001, in accordance with the levels set out in resolution 55/235, as adjusted by the General Assembly in its resolution 55/236, and taking into account the scale of assessments for the year 2001 as set out in its resolution 55/5 B;
16. Decides also that for Member States that have not fulfilled their financial obligations to the Mission, their respective share of the unencumbered balance of 66,538,000 dollars and other income of 29,041,000 dollars in respect of the financial period
ended 30 June 2001 shall be set off against their out-
standing obligations in accordance with the scheme set 
out in paragraph 15 above;
17. Decides further that the decrease in the staff as-
sesment income of 3,171,500 dollars shall be set off 
against the credits from the unencumbered balance in 
respect of the financial period ended 30 June 2001, re-
tended to in paragraphs 15 and 16 above;
18. 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;
19. Invites voluntary contributions to the Mission in 
cash and in the form of services and supplies accepta-
table to the Secretary-General, to be administered, as ap-
propriate, in accordance with the procedure and prac-
tices established by the General Assembly;
20. Decides to include in the provisional agenda of 
its fifty-seventh session the item entitled "Financing of 
the United Nations Interim Administration Mission in 
Kosovo".

On 18 December, the Secretary-General sub-
mitted the performance report [A/57/678] for 
UNMIK for the period 1 July 2001 to 30 June 2002, 
and the proposed budget [A/57/679] for the main-
tenance of the Mission for the period 1 July 2003 
to 30 June 2004.

On 20 December, the Assembly decided that 
the item on UNMIK financing would remain for 
consideration during its resumed fifty-seventh (2003) session (decision 57/585) and that the 
Fifth Committee should consider the item at that 
session (decision 57/556).

International security presence (KFOR)

During the year, the Secretary-General sub-
mitted to the Security Council, in accordance 
with resolution 1244 (1999) [YUN 1999, p. 355], re-
ports on the activities of KFOR, also known as Op-
eration Joint Guard, covering the period 1 No-
vember 2001 to 30 November 2002 [S/2002/122, 
S/2002/1412]. A later report covered activities dur-
ing the remainder of the year [S/2003/190]. As at 31 
December, the force, which operated under 
North Atlantic Treaty Organization (NATO) lead-
ership, comprised some 28,000 troops from all 
NATO countries, as well as from non-NATO coun-
tries.

KFOR continued to enhance security along the 
borders with Albania and FYROM, to prevent Al-
banian armed groups from using lines of com-
unication through Kosovo, as well as to confis-
cate weapons, deter smuggling, detain persons 
legally crossing the borders and deter other at-
ttempts to enter the province. On 14 February, the 

KFOR Commander and the President of Albania 
signed an agreement on temporary operating 
procedures for cooperation and coordination of 
activities along the border, which they renewed 
on 28 May.

In its Kosovo-wide search operations for 
weapons smuggling, especially along logistic 
routes, and for suspected members of ethnic Al-
banian armed groups, KFOR seized weapons and 
ammunition on a daily basis. In August alone, it 
confiscated 170 weapons, 7,412 grenades and 
mines, and 17,276 rounds of ammunition, on 12 
August, arrested and detained individuals sus-
pected of having links to the so-called Republic-
ian Army of Ilyrida. Earlier, during its weapons 
amnesty period, from 15 March to 15 April, KFOR 
recovered some 459 weapons, 7 rockets and mis-
iles, 670 grenades, 90 mines and 58,771 rounds 
of ammunition from all ethnic communities 
across the province. Under KFOR’s weapons de-
struction programme, a total of 20,915 weapons 
were destroyed by the end of July.

KFOR also provided daily assistance on request 
to international organizations and NGOs operating 
in Kosovo and security assistance in support of 
UNMIK police operations, particularly in Mitro-
via. In June, UNMIK and KFOR signed a security 
transition strategy and, on 2 July, a memorandum 
of understanding to increase cooperation and co-
ordination and to establish a process for the transfer 
of responsibilities from KFOR to UNMIK for 
general public security, management of demon-
strations, and enforcement and control of curfews 
in the five municipalities of the Mitrovica region.

Relations with FRY

UNMIK and FRY and FRY’s constituent Repub-
lics of Serbia and Montenegro continued in 2002 
to discuss issues of mutual concern, thereby en-
hancing a constructive relationship. In discus-
sions between the Special Representative and the 
FRY President, Prime Minister and Deputy Prime 
Minister (also head of the Coordination Centre) 
(Belgrade, 3 April), it was agreed that coopera-
tion between UNMIK and the Coordination 
Centre for Kosovo in Belgrade should continue to be 
based on the UNMIK-FRY Common Document 
(YUN 2001, p. 358), the primary mechanism of 
which was the high-ranking working group and 
its two working bodies, on judicial cooperation 
and on police cooperation. Negotiations between 
UNMIK and the head of the Coordination Centre 
led to the transfer in March of 146 Kosovo Alba-
nian detainees from Serbia proper and to the 
signing in Belgrade of the Agreement on the 
Transfer of Sentenced Persons, allowing prison-
ers in Kosovo and Serbia to choose their place of 
detention (see p. 378).
On the issue of missing persons, the Working Group on Police Cooperation adopted protocols in February on the cross-boundary transfer of identified remains, the exchange of forensic experts and expertise, and the joint verification teams on alleged hidden prisons. The first joint visit to an alleged illegal detention centre in Kosovo took place on 13 March and confirmed that the site was, in fact, a mental institute.

Enhanced dialogue with Belgrade through the high-ranking working group of the Coordination Centre focused on Mitrovica, economic policies, police and judicial cooperation, outreach to internally displaced Kosovo Serbs and evaluating conditions for return. In keeping with the Special Representative’s efforts to encourage contacts between the provisional institutions of self-government and FRY authorities, Serbia’s Minister for Finance and Kosovo’s Minister for Finance and Economy met on the margins of the regional conference on cigarette smuggling. However, the Government of Kosovo underlined that the time was not yet ripe for full-blown high-level contacts.

During the year, discussions with Montenegrin officials focused on reinforcing a regional commitment to cooperation against organized crime with concrete actions, including enhancing police cooperation. UNMIK also proposed to move the customs shift points to eliminate the “no-man’s-land” between Kosovo and Montenegro.

Relations with FYROM

Following the signing of the 2001 “Agreement for the delineation of the borderline between the Republic of Macedonia and the Federal Republic of Yugoslavia” [YUN 2001, p. 568], the Special Representative and FYROM President Boris Trajkovski agreed in Skopje on 18 April 2002 to establish a Joint Expert Committee to address the practical situation on the ground resulting from that Agreement. They further agreed on the need to initiate police cooperation with a view to establishing a memorandum of understanding on crime prevention and the fight against organized crime. That was preceded by their 28 March agreement to exchange information to combat organized crime and terrorism.

In June, the FYROM authorities further agreed in principle to a joint access permit for farmers whose grazing lands were affected by the 2001 Agreement and endorsed proposals to establish an additional provisional border crossing for the population of the border areas. On 18 June, they abolished visas for holders of UNMIK travel documents and agreed in principle to recognize UNMIK-issued licence plates and vehicle registration documents.

Other issues

Constitutional arrangement for Serbia and Montenegro

On 14 March, in Belgrade, the leaders of Serbia and Montenegro reached agreement on the principle of a single constitutional arrangement for the FRY Republics of Serbia and Montenegro. The European Council (Barcelona, Spain, 15-16 March) [S/2002/298] welcomed that agreement, noting the commitment of both sides to achieve a common internal market, including a common customs and trade policy. The Council expressed the EU’s readiness to support those efforts in the context of the stabilization and association process, to continue to offer advice and assistance and to monitor regularly the progress achieved. The EU further expected both Republics to work together to ensure the functioning of the common institutions.

The EU would, under the stabilization and association process, continue its economic assistance. In determining the level and the beneficiaries of that assistance, it would take account of progress achieved in each Republic, including the contribution of each to the effective functioning of the common State and the achievement of European standards.

Former Yugoslav Republic of Macedonia

Throughout 2002, the EU and OSCE continued to monitor the implementation of the 2001 Framework Agreement [YUN 2001, p. 371], signed by the President of the former Yugoslav Republic of Macedonia (FYROM) and the four main political parties, to resolve the conflict within the country that had arisen from attacks launched by ethnic Albanian armed groups across the border from the FRY province of Kosovo. The Agreement provided for the cessation of hostilities, the voluntary disarmament and disbandment of ethnic Albanian armed groups, an unconditional ceasefire and the development of a decentralized Government.

On 29 November [S/2002/1345], NATO informed the Secretary-General that the North Atlantic Council (NAC) had agreed that the international security presence in FYROM (Operation Amber Fox), authorized by NATO in 2001 [YUN 2001, p. 574]
to protect the international monitors deployed to oversee the implementation of the Framework Agreement and due to end on 15 December, had been a success. NAC considered, however, that an international military presence in FYROM was still required. While noting the EU’s expressed readiness (Brussels, 24-25 October) to take over military operations in the country, NAC agreed to maintain NATO’s military presence in FYROM until February 2003, after which it would review the modalities of its continuing presence there. It also agreed, without prejudice to future EU decisions, that NATO would continue to assist FYROM with defence and security reform.

The strategic political objectives of NATO’s post-15 December presence were to minimize the risk of destabilization, demonstrate support for the current political process and legitimate FYROM institutions, and contribute to the establishment and maintenance of an environment conducive to democratic governance, multi-ethnicity, stability, the rule of law and economic regeneration. An operational plan (Allied Harmony) was approved by NAC and transmitted to the Secretary-General.

Relations with Greece

Pursuant to the 1995 Interim Accord on the normalization of relations between FYROM and Greece [YUN 1995, p. 599], representatives of both countries met twice during the year (5 February and 15 June), under the auspices of the Secretary-General, to exchange views in the context of article 5 of that Accord, which provided for the continuation of negotiations with a view to reaching agreement on their differences as described in Security Council resolutions 817(1993) [YUN 1993, p. 208] and 845(1993) [ibid., p. 209] concerning the name of the State of FYROM. They decided to meet again at a date to be agreed upon.

Georgia

In 2002, efforts continued to engage the Georgian and Abkhaz sides in discussions to lead to a settlement of their conflict regarding the political status of Abkhazia as a sovereign entity within the State of Georgia. The peace process remained stalled as the two parties failed to begin discussions on the 2001 Basic Principles for the Distribution of Competences between Tbilisi (Georgia’s Government) and Sukhumi (the Abkhaz leadership) [YUN 2001, p. 386], which were intended to serve as a basis for substantial negotiations; nor was success achieved in convening meetings of the Coordinating Council, part of the United Nations-led peace process [YUN 1997, p. 365]. The situation was also aggravated by the holding in March of “parliamentary elections” in Abkhazia. A further stumbling block was the continued presence of Georgian troops in the Kodori Valley. However, progress in defusing tension there was achieved with the signing of two protocols, in January and April, which accepted the resumption of joint United Nations Observer Mission in Georgia (UNOMIG)/Commonwealth of Independent States (CIS) patrols to the Kodori Valley and set a deadline for the withdrawal of Georgian regular forces. Although the situation in the Valley stabilized with the onset of winter, UNOMIG/CIS patrols reported no change in the armed presence there in the last quarter of the year.

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, through daily ground and regular helicopter patrols, 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 Security Council resolution 997(1994) [ibid., p. 584]. The Mission operated in close collaboration with the collective peacekeeping force of CIS that had been in the zone of conflict, at the request of the parties, since 1994 [ibid., p. 583]. The Council extended the Mission’s mandate twice during the year, the first time until 31 July 2002 and the second until 31 January 2003.

UNOMIG’s main headquarters was located in Sukhumi (Abkhazia, Georgia), with some administrative headquarters in Pitsunda, a liaison office in the Georgian capital of Tbilisi, and team bases and a sector headquarters in each of the Gali and Zugdidi sectors. A team base in the Kodori Valley was manned by observers operating from Sukhumi. As at December 2002, UNOMIG had a strength of 106 military observers.

On 1 July, Heidi Tagliavini (Switzerland) [S/2002/643, S/2002/644] succeeded Dieter Boden (Germany) as the Secretary-General’s Special Representative for Georgia and head of UNOMIG. She was assisted by Major General Ashfaq Ahmed (Bangladesh), UNOMIG’s Chief Military Observer, who succeeded Major General Anis Ahmed Bajwa (Pakistan).
Politic aspects of the conflict

Report of Secretary-General (January). The Secretary-General, in his 18 January report [S/2002/88] describing the situation in Abkhazia, Georgia, and UNOMIG’s operations there since his October 2001 report [YUN 2001, p. 384], said that a major stumbling block to resolving the Abkhaz/Georgia conflict was the continued presence of Georgian troops in the Kodori Valley, deployed since October 2001 [ibid., p. 385] following an upsurge of violence there, in violation of the 1994 Moscow Agreement. The Secretary-General’s Special Representative had repeatedly urged the Georgian side to comply with that Agreement and withdraw its troops. As long as those troops remained deployed, the Abkhaz side had been unwilling to discuss any subject with the Georgian side. No meetings had since been held within the framework of the Coordinating Council, nor could progress be made on the implementation of the recommendations of the 2000 joint assessment mission to the Gali district [YUN 2000, p. 397] to alleviate the plight of displaced persons and returnees.

The Special Representative succeeded in bringing the two sides together for direct talks on 15 and 17 January. Under the terms of a protocol agreed upon at the second meeting, UNOMIG would resume patrolling in the Kodori Valley on 1 February, based on security arrangements to be worked out with both parties, and confirm that there were no heavy weapons in the lower Kodori Valley and the Tqvarcheli area; Georgia would simultaneously begin withdrawing its troops; and the Abkhaz side would undertake not to deploy military action against the civilian population. The two sides further agreed to meet again in early February to determine when the Georgian troop withdrawal should be completed.

The Secretary-General urged the two sides to implement expeditiously and fully the 17 January agreement on the withdrawal of Georgian troops from the Kodori Valley and implement the 2001 Yalta (Ukraine) Programme of Action on confidence-building [YUN 2001, p. 377] and the recommendations of the 2000 joint assessment mission to the Gali district. He said the paper on the “Basic Principles for the Distribution of Competences between Tbilisi and Sukhumi”, finalized in December 2001 [YUN 2001, p. 386], was simply a means to opening substantive negotiations in which both parties would work out a settlement. They should therefore seize the moment to advance the process towards a peaceful solution of the conflict. He particularly urged the Abkhaz side, which had not been prepared to receive the paper on competences, to review its position.

As UNOMIG continued to play an important role in the stabilization of the zone of conflict and in the search for a political settlement, the Secretary-General recommended that its mandate be extended for a further period, until 31 July.

SECURITY COUNCIL ACTION


The Security Council,
Recalling all its relevant resolutions, in particular resolution 1364(2001) of 31 July 2001,
Having considered the report of the Secretary-General of 18 January 2002,
Recalling the conclusions of the summits of the Organization for Security and Cooperation in Europe, held in Lisbon in December 1996 and in Istanbul on 18 and 19 November 1999, regarding the situation in Abkhazia, Georgia,
Recalling also the relevant principles contained in the Convention on the Safety of United Nations and Associated Personnel of 9 December 1994,
Recalling further its condemnation of the shooting down of a helicopter of the United Nations Observer Mission in Georgia on 8 October 2001, which resulted in the death of the nine people on board, and deploring the fact that the perpetrators of that attack have still not been identified,
Stressing that the continued lack of progress on key issues of a comprehensive settlement of the conflict in Abkhazia, Georgia, is unacceptable,
Welcoming the important contributions made by the Mission and the collective peacekeeping force of the Commonwealth of Independent States in stabilizing the situation in the zone of conflict, and stressing its attachment to the close cooperation existing between them in the performance of their respective mandates,
1. Welcomes the report of the Secretary-General of 18 January 2002;
2. Commends and strongly supports the sustained efforts of the Secretary-General and his Special Representative, with the assistance of the Russian Federation in its capacity as facilitator, as well as of the Group of Friends of the Secretary-General, and 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. Welcomes and supports the finalization of the document on “Basic Principles for the Distribution of Competences between Tbilisi and Sukhumi” and of its letter of transmittal, with the contribution and the full support of all members of the Group of Friends of the Secretary-General, and supports the efforts of the Special Representative on the basis of these documents, which are positive elements for launching the peace process between the two sides;
4. Recalls that the purpose of those documents is to facilitate meaningful negotiations between the parties, under the leadership of the United Nations, on the
status of Abkhazia within the State of Georgia, and that it is not an attempt to impose or dictate any specific solution to the parties;

5. Recalls also that the process of negotiation leading to a lasting political settlement acceptable to both sides will require concessions from both sides;

6. Strongly urges the parties, in particular the Abkhaz side, to receive the document and its letter of transmittal in the near future, to give them full and open consideration, and to engage in constructive negotiations on their substance without delay thereafter, and calls upon others having influence with the parties to promote this outcome;

7. Calls upon the parties to spare no effort to overcome their ongoing mutual mistrust;

8. Condemns violations of the provisions of the Agreement on a Ceasefire and Separation of Forces, signed in Moscow on 14 May 1994, and demands that they cease immediately;

9. Expresses its deep dismay at the lack of progress on the question of refugees and internally displaced persons and returnees on both sides of the ceasefire line;  

10. Urges the parties to ensure the necessary revitalization of the peace process in all its major aspects, to resume their work in the Coordinating Council and its relevant mechanisms, to build on the results of the third meeting on confidence-building measures between the Georgian and Abkhaz sides held in Yalta, Ukraine, on 15 and 16 March 2001, and to implement the proposals agreed to on that occasion, in a purposeful and cooperative manner;

11. Expresses its deep dismay at the lack of progress on the question of refugees and internally displaced persons, reaffirms the unacceptable nature of the demographic changes resulting from the conflict, reaffirms also the inalienable right of all refugees and internally displaced persons affected by the conflict to return to their homes in secure and dignified conditions, in accordance with international law and as set out in the Quadrupartite Agreement on the Voluntary Return of Refugees and Displaced Persons of 4 April 1994, recalls that the Abkhaz side bears a particular responsibility to protect the returnees and to facilitate the return of the remaining displaced population, and welcomes the measures taken by the United Nations Development Programme, the Office of the United Nations High Commissioner for Refugees and the Office for the Coordination of Humanitarian Affairs, of the Secretariat, 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;

12. Urges the parties to implement the recommendations of the joint assessment mission to the Gali district, carried out under the aegis of the United Nations, calls in particular upon the Abkhaz side to improve law enforcement involving the local population and to address the lack of instruction in their mother tongue for the ethnic Georgian population;

13. Welcomes the rehabilitation programmes initiated with the cooperation of the parties to serve displaced persons and returnees on both sides of the ceasefire line;

14. Calls upon the parties to take all necessary steps to identify those responsible for the shooting down of a helicopter of the United Nations Observer Mission in Georgia on 8 October 2001 and to bring them to justice, expresses its concern at the disturbing tendency of the parties to restrict the freedom of movement of personnel of the Mission, thereby hindering its ability to fulfil its mandate, including through effective patrolling, and underlines the fact that it is the primary responsibility of both sides to provide appropriate security and to ensure the freedom of movement of personnel of the Mission and the collective peacekeeping force of the Commonwealth of Independent States and other international personnel;

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

16. Welcomes constant review by the Mission of its security arrangements in order to ensure the highest possible level of security for its staff;

17. Decides to extend the mandate of the Mission for a new period terminating on 31 July 2002, and to review the mandate unless the decision on the extension of the presence of the collective peacekeeping force is taken by 15 February 2002, and in this respect notes that on 31 January 2002 the Georgian authorities agreed on the extension of the mandate of the collective peacekeeping force until the end of June 2002;

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

19. Decides to remain actively seized of the matter.

Report of Secretary-General (April). Reporting on 19 April [S/2002/469], the Secretary-General said that, with the 2001 paper “Basic Principles for the Distribution of Competences between Tbilisi and Sukhumi” [YUN 2001, p. 386] and its transmittal letter, prepared by the Special Representative and fully supported by the Group of Friends of the Secretary-General (France, Germany, Russian Federation, United Kingdom, United States), the conceptual basis for commencing negotiations existed. However, during visits to Sukhumi, the Special Representative and representatives of the Group of Friends failed to get the Abkhaz side to agree to start negotiations. Its leadership consistently refused to accept the paper, claiming that Abkhazia’s status had already been determined through its 1999 unilateral proclamation of independence [YUN 1999,
irregularities and breaches of local election law. Georgia hoped they would reiterate.

cil of Europe and the EU. The main Abkhaz opposition party boycotted the elections, alleging that the holding of self-styled parliamentary "elections" in Abkhazia, Georgia, on 2 March, was illegal and called for the results to be declared null and void. It recalled that all such self-styled referendums and "elections" had been considered unacceptable by the Security Council, the Council of Europe, the EU, OSCE and the CIS Inter-Parliamentary Assembly, a position which Georgia hoped they would reiterate.

Report of Secretary-General (July). On 10 July [S/2002/742], the Secretary-General reported that, in continuing efforts to obtain acceptance by both sides of the paper on the distribution of constitutional competences, his Special Representative held discussions with the Abkhaz leadership to obtain agreement to a joint meeting in which he, together with the Tbilisi-based Ambassadors of the Group of Friends, would acquaint the Abkhaz leadership with the substance of the paper prior to actually handing it over. The Russian Federation, in its capacity as facilitator, played an active role in those efforts. Between 25 and 31 May in Moscow, Russian Foreign Minister Igor Ivanov and President Vladimir Putin's special representative for the Georgian-Abkhaz conflict, Valery Loshchinin, met with Abkhaz de facto "Prime Minister" Anri Jergenia and de facto "Foreign Minister" Sergei Shamba to impress upon the Abkhaz side the need to move forward in the settlement process. On 12 June, Mr. Loshchinin travelled to Sukhumi for further consultations with the Abkhaz leadership, including a meeting with Mr. Jergenia, held jointly with the Acting Special Representative. Other members of the Group of Friends attempted to visit Sukhumi, but the Abkhaz side was not ready to receive them. Despite all efforts, it continued to reject any discussion of the paper.

Those efforts took place against the background of the meeting between United States President George W. Bush and President Putin (Moscow, 21-24 May). In a joint declaration on new strategic relations and a joint statement on anti-terrorism, the two Presidents expressed their readiness to cooperate in conflict settlement efforts in the South Caucasus, including in Abkhazia, Georgia, and reaffirmed their commitment to preserve Georgia's territorial integrity. The Secretary-General, during his visit to Moscow (4-6 June), also discussed the Georgian-Abkhaz conflict with President Putin and Foreign Minister Ivanov.

Despite the failure to present the paper to the two sides, both continued practical work within the framework of the Coordinating Council's working groups and ad hoc meetings.

The Secretary-General, stating his conviction that UNOMIG's presence was essential for creating the conditions for a political process towards a settlement of the conflict and for advancing that process, recommended that the UNOMIG mandate be extended until 31 January 2003.

Communication. On 22 July [S/2002/837], the EU Presidency issued a statement expressing the EU's concern about the 10 July attack against the Liberty Institute Centre in Tbilisi, as well as other incidents against NGOs and religious organizations. The EU called on Georgia to ensure a rapid and thorough investigation into the incident so as to bring those responsible to justice, and invited the Georgian authorities to ensure the security of non-governmental and religious organizations and their staff.

SECURITY COUNCIL ACTION


The Security Council,

Recalling all its relevant resolutions, in particular resolution 1393(2002) of 31 January 2002,

Having considered the report of the Secretary-General of 10 July 2002,

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

Recalling also the relevant principles contained in the Convention on the Safety of United Nations and Associated Personnel of 9 December 1994,
Recalling further its condemnation of the shooting down of a helicopter of the United Nations Observer Mission in Georgia on 8 October 2001, which resulted in the death of the nine people on board, and deploring the fact that the perpetrators of that attack have still not been identified,

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

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

Welcoming also the agreement on the extension of the mandate of the collective peacekeeping force for a new period terminating on 31 December 2002,

1. Welcomes the report of the Secretary-General of 10 July 2002;
2. Commends and strongly supports the sustained efforts of the Secretary-General and his Special Representative, with the assistance of the Russian Federation in its capacity as facilitator, as well as of the Group of Friends of Friends of the Secretary-General and 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. Recalls, in particular, its support for the document on “Basic Principles for the Distribution of Competences between Tbilisi and Sukhumi” and for its letter of transmittal, finalized by, and with the full support of, all members of the Group of Friends of the Secretary-General;
4. Regrets the lack of progress on the initiation of political status negotiations, and recalls once again that the purpose of those documents is to facilitate meaningful negotiations between the parties, under the leadership of the United Nations, on the status of Abkhazia within the State of Georgia, and is not an attempt to impose or dictate any specific solution to the parties;
5. Underlines the fact that the process of negotiation leading to a lasting political settlement acceptable to both sides will require concessions from both sides;
6. Deeply regrets, in particular, the repeated refusal of the Abkhaz side to agree to a discussion on the substance of that document, again strongly urges the Abkhaz side to receive the document and its letter of transmittal, urges both parties thereafter to give them full and open consideration and to engage in constructive negotiations on their substance, and urges those having influence with the parties to promote this outcome;
7. Calls upon the parties to spare no effort to overcome their ongoing mutual mistrust;
8. Condemns any violations of the provisions of the Agreement on a Ceasefire and Separation of Forces signed in Moscow on 14 May 1994, and demands that they cease immediately;
9. Welcomes the decrease in tensions in the Kodori Valley and the intention reaffirmed by the parties to resolve the situation peacefully, recalls its strong support for the protocol signed by the two sides on 17 January 2002 regarding the situation in the Kodori Valley, calls upon both sides, and in particular the Georgian side, to continue to fully implement this protocol, recognizes the legitimate security concerns of the civilian populations in the area, calls upon the political leaders in Tbilisi and Sukhumi to observe security agreements, and calls upon both sides to spare no effort to agree upon a mutually acceptable arrangement for security of the population in, and in the vicinity of, the Kodori Valley;
10. Calls upon the Georgian side to continue to improve security for joint patrols of the United Nations Observer Mission in Georgia and the collective peacekeeping force of the Commonwealth of Independent States in the Kodori Valley to enable these forces to monitor the situation independently and regularly.
11. Strongly urges the parties to ensure the necessary revitalization of the peace process in all its major aspects, to resume their work in the Coordinating Council and its relevant mechanisms, to build on the outcomes of the third meeting on confidence-building measures between the Georgian and Abkhaz sides held in Yalta, Ukraine, on 15 and 16 March 2001, and to implement the proposals agreed to on that occasion in a purposeful and cooperative manner;
12. Stresses the urgent need for progress on the question of refugees and internally displaced persons, calls upon both sides to display a genuine commitment to make returns the focus of special attention and to undertake this task in close coordination with the Mission, reaffirms the unacceptability of the demographic changes resulting from the conflict, reaffirms also the inalienable right of all refugees and internally displaced persons affected by the conflict to return to their homes in secure and dignified conditions, in accordance with international law and as set out in the Quadripartite Agreement on the Voluntary Return of Refugees and Displaced Persons of 4 April 1994 and the Yalta Declaration, recalls that the Abkhaz side bears a particular responsibility to protect the returnees and to facilitate the return of the remaining displaced population, and requests further measures to be undertaken, inter alia, by the United Nations Development Programme, the Office of the United Nations High Commissioner for Refugees and the Office for the Coordination of Humanitarian Affairs, of the Secretariat, to create conditions conducive to the return of refugees and internally displaced persons, including through quick-impact projects, 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;
13. Once again urges the parties to implement the recommendations of the joint assessment mission to the Gali district, carried out under the aegis of the United Nations, welcomes the agreement of the parties in this regard to explore the possibility of enhancing support for local law enforcement agencies, and calls in particular upon the Abkhaz side to improve law enforcement involving the local population and to address the lack of instruction in their mother tongue for the ethnic Georgian population;
14. Calls upon both parties publicly to dissociate themselves from militant rhetoric and demonstrations of support for military options and for the activities of illegal armed groups, and reminds the Georgian side...
in particular to uphold its commitment to put an end to the activities of illegal armed groups:

15. *Calls once again upon* the parties to take all necessary steps to identify those responsible for the shooting down of a helicopter of the Mission on 8 October 2001 and to bring them to justice, and underlines the fact that it is the primary responsibility of both sides to provide appropriate security and to ensure the freedom of movement of the Mission, the collective peacekeeping force and other international personnel;

16. *Welcomes* the constant review by the Mission of its security arrangements in order to ensure the highest possible level of security for its staff;

17. *Decides* to extend the mandate of the Mission for a new period terminating on 31 January 2003;

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

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

**Report of Secretary-General (October).** To move the political process forward and overcome the continuing Abkhaz refusal to even discuss the paper on the distribution of competences, the Special Representative embarked on a round of consultations in the capitals of the member States of the Group of Friends, the Secretary-General reported on 14 October [S/2002/141]. In August and September, she visited Moscow, Washington, D.C., and Berlin, Germany, and also held consultations at United Nations Headquarters in New York. Also, the Russian Federation, in consultation with the Special Representative and the Group of Friends, offered to facilitate a meeting in Moscow on 5 October with Abkhaz de facto “Prime Minister” Jergenia to acquaint him with, but not to hand over, the substance and rationale of the paper on competences and to give him the opportunity to explain his views on the settlement of the conflict. The meeting was not held because Mr. Jergenia rejected a discussion of the paper and the Special Representative’s participation.

The Secretary-General observed that, in the absence of a substantive negotiation process on the core issue of the conflict—the status of Abkhazia within the State of Georgia—upsurges in tension continued to occur with alarming frequency, while the population suffered from crime, partisan violence and the lack of economic development. To reduce those tensions, the Abkhaz side needed to reconsider its refusal to discuss the paper on competences and its transmittal letter, which was only the starting point for negotiations in which the legitimate interests of Abkhazia’s multi-ethnic population could be addressed, while the Georgian side needed to make more efforts to promote trust and confidence.

**Communications.** On 28 October [S/2002/125], the Russian Federation transmitted to the Secretary-General the decision of the CIS Council of Heads of State to extend the stay and mandate of the CIS force in Abkhazia, Georgia, until 31 December.

On 29 October [S/2002/126], Georgia requested the Security Council to convene an open meeting on the situation in Georgia to allow candid and constructive discussion on the conflict settlement process in Abkhazia, Georgia.

Having considered Georgia’s letter in informal consultations, the Council decided to meet in early December to consider the issue in conjunction with a briefing by Under-Secretary-General for Peacekeeping Operations Jean-Marie Guéhenno on his November visit to the Caucasus region [S/2003/609]. In informal consultations on 9 December [S/2003/77], the Council was briefed by the Under-Secretary-General on the outcome of his visit to Georgia. The Secretary-General’s Special Representative for Georgia also briefed the Council on recent developments in the peace process (see also below).

**Further report of Secretary-General.** In a later report [S/2003/39], the Secretary-General stated that, in mid-November, the Under-Secretary-General for Peacekeeping Operations and the Special Representative, in visits to Tbilisi and Sukhumi for talks with the leadership of the two parties, emphasized, especially to the Abkhaz side, that the framework set out in the paper on the division of competences—territorial integrity for Georgia, wide autonomy for Abkhazia and international guarantees—provided enough room to explore how the legitimate interest of both sides could be accommodated in a final settlement. The Russian Federation, on 14 November, made another attempt to arrange a meeting in Moscow of representatives of the Group of Friends and the United Nations with the Abkhaz side to exchange views on the settlement of the Georgian-Abkhaz conflict and the principles underlying the paper on competences. However, because of differing views on the modalities of the discussion, the meeting did not take place. Georgia’s President, Eduard Shevardnadze, proposed, in his 11 October address to the Georgian Parliament, the holding of an international conference on Abkhazia, to be chaired jointly by the United States and the Russian Federation, with the participation of Turkey and Ukraine.

Despite those efforts, it was not possible to overcome the refusal to engage in substantive discussions on the paper on competences by the Abkhaz side, which continued to assert its 1999 unilateral declaration of independence and cited the armed Georgian presence in the Kodori Val-
ley as a reason for not entering into negotiations. The Georgian side, for its part, had been upset by a campaign by the Abkhaz to acquire Russian citizenship and to promote closer ties to the Russian Federation, as exemplified by the reopening of the railroad between Sukhumi and Sochi on 25 December.

The Special Representative completed her round of consultations in the capitals by visiting London and Paris, while the Under-Secretary-General for Peacekeeping Operations stayed in close contact with the special envoys of the Group of Friends, including during his mid-November visit to Moscow, where he met with President Putin’s special representative for the Georgian-Abkhaz conflict. To follow up on those discussions, the Secretary-General planned to convene in the near future an informal high-level meeting of the Group of Friends to discuss possible ways forward in the peace process. He met with the Special Representative on 10 December in New York and discussed developments relevant to the UNOMIG mandate with her.

UNOMIG continued to promote dialogue between the sides within the framework of the Coordinating Council. On 14 November, Working Group III (on socio-economic issues) of the Council met in Sukhumi under the chairmanship of the UNDP Resident Representative, with the assistance of the Georgian-Abkhaz Bilateral Coordination Commission, to discuss the reinforcement of the Inguri River banks, restoration and protection of Abkhaz cultural monuments and the issue of the language of instruction in the Gali district schools. However, it was not possible to convene the Coordinating Council itself, which had not met since January 2001.

On 29 November, Mr. Jergenia was replaced by Gennadi Gagulia as the Abkhaz de facto “Prime Minister”. Mr. Gagulia had served previously in that capacity between 1995 and 1998, and was the Chair of the Abkhaz Chamber of Commerce and Industry.

**Situation on the ground**

**Kodori Valley**

Following the 17 January agreement between the Abkhaz and Georgian sides on the protocol relating to the security situation in the Kodori Valley (see p. 385), the Chief Military Observer, together with Georgia’s Minister for Defence, General David Tevdzadze, visited the upper Kodori Valley. On 11, 22 and 28 February, the two sides met under UNOMIG’s chairmanship to discuss the implementation of the protocol. On 12 March, the Special Representative reached agreement with them on a two-day (25-26 March) joint UNOMIG/CIS patrol to the upper Kodori Valley and on holding a meeting of the Coordinating Council’s Working Group I (on security issues) on 29 March, at which the two sides provisionally agreed on an additional protocol, signed on 2 April. That additional protocol set a 10 April deadline for the complete withdrawal of the Georgian regular forces from the upper Kodori Valley and the resumption of regular patrols there by UNOMIG and the CIS peacekeeping force; it also reaffirmed the Abkhaz commitment to provide security guarantees for the local civilian population. The first joint UNOMIG/CIS patrol under the 2 April protocol took place on 8 and 9 April, when UNOMIG received indications that the Georgian side was in the process of withdrawing its regular troops.

Renewed tension surfaced on 12 April, when the CIS peacekeeping force, without notifying UNOMIG, deployed 78 troops and heavy equipment to Ajara in the upper Kodori Valley, drawing a sharp reaction from the Georgian authorities. The Special Representative and the Chief Military Observer, in contacts with Russian officials, urged the CIS peacekeeping force to withdraw from Ajara and advised that such operations should be conducted only by a mutually acceptable agreement. President Shevardnadze visited the upper Kodori Valley to reassure the local population and demanded the immediate withdrawal of the CIS forces, failing which he threatened to seek their complete withdrawal from Georgia, as the Georgian Parliament had requested on 11 October 2001. Following discussions between Presidents Shevardnadze and Putin on 13 April, the CIS peacekeeping force began withdrawing that same day, completing withdrawal on 14 April. CIS commanders reported that, in Ajara, their troops had been encircled by armed individuals equipped with heavy mortars, among them regular Georgian troops and armed irregulars; Georgia denied any presence of its regular troops.

On 18 April [S/2002/443], Georgia reported that, despite the withdrawal of Russian Special Forces from the upper Kodori Valley, attempts to destabilize the situation in the conflict zone continued. Georgia denied accusations by the Russian Federation and the Abkhaz side that it had breached the existing agreements, saying that the Abkhaz side, under the pretext of those false accusations, was concentrating armed military units and equipment along the adjacent territories of the Kodori Valley and the Tkvarcheli region, including near the villages of Merkheuli and Tsebeldi.

On 25 April, in Sukhumi, Georgia’s State Minister, Avtandil Jorbenadze, and Abkhaz de facto
“Prime Minister” Jergenia, under the auspices of the Special Representative, considered measures to further stabilize the situation in the Kodori Valley. They also discussed the legality, under the 1994 Moscow Agreement, of the presence of Georgian border guards, the format of patrolling and the establishment of a permanent UNOMIG/CIS peacekeeping force presence in the upper Valley, but did not reach a mutually agreeable conclusion. Those consultations continued on 8 May in Sukhumi in the Coordinating Council’s Working Group I. While differences on the main issues remained, the two sides agreed on continued joint UNOMIG/CIS patrolling and to resolve the outstanding issues only through peaceful means. In a further meeting on 20 May in Gali city, the two representatives reaffirmed their intention to resolve the situation in the Kodori Valley peacefully, but were again unable to agree on whether the presence of Georgian border guards in the upper Kodori Valley constituted a violation of the Moscow Agreement.

Georgian authorities officially informed UNOMIG in late April that the Georgian presence in the upper Kodori Valley consisted of 370 border guards, 540 local National Guard reservists and 17 members of a coordinating group of the Ministry of Defence.

By July, however, the tensions caused by the situation in the Kodori Valley had decreased, partly due to the joint UNOMIG/CIS patrols and the dialogue between the sides in Working Group I and other forums. Due to serious security concerns, the joint patrols were arranged in advance with the Georgian authorities and representatives of the local population and took place on predetermined routes, accompanied by Georgian and local Svan security escort. Independent verification of the military situation in the Valley was thus not possible. The patrols were nevertheless a valuable confidence-building measure and a step towards eventual independent monitoring, once the security situation allowed.

Following the gradual stabilization of the situation in and around the Kodori Valley, a joint UNOMIG/CIS patrol (16–18 July) assessed the situation as calm but unstable; the mortars and ammunition observed in the Georgian-controlled upper Valley by earlier patrols had still not been removed. On 20 July, Working Group I discussed measures to further stabilize the situation in the Valley; the Georgian side stated that it had reduced the number of border guards and undertook again to remove the military equipment from the Valley.

However, on 30 July, the situation took a turn for the worse when the Georgian authorities informed UNOMIG that Abkhaz troops had been seen near the Marukhi Pass on the Russian-Georgian border, which was connected to the upper Kodori Valley by the approximately 40-kilometre-long Chkhalta Valley. On the same day, the Abkhaz side informed UNOMIG that several Georgian helicopters had landed troops close to the Pass and threatened military action if they were not withdrawn immediately. On 31 July, Georgian officials reported to a UNOMIG/CIS patrol that a Russian helicopter carrying troops had landed south of the Marukhi Pass. In their visit to the area later that day, the Georgian Defence Minister and the Chief of the National Guard found that the Russian helicopter had flown into the area mistakenly. On the same day, however, UNOMIG received a letter from the Abkhaz side expressing its strong concerns about Georgian landings in the Marukhi Pass area and indicating its intention to establish several checkpoints there to prevent infiltration by “international terrorists” and “illegal actions” by the Georgian side. As tensions mounted, UNOMIG worked with the parties to prevent a resort to force. Following a 4 August meeting arranged by UNOMIG between State Minister Jorbenadze and Abkhaz de facto “Prime Minister” Jergenia on the Inguri River bridge and a follow-up meeting of their respective Chiefs of General Staff on 6 August, the parties agreed to withdraw their units from the Marukhi Pass area and to inspect it jointly as soon as possible, with a request that UNOMIG participate in the inspection and consider establishing a permanent post in the upper Kodori Valley.

Tensions continued in the following days as the Georgian side accused the Abkhaz side of moving its forces to Georgian-controlled territory near the Marukhi Pass and of firing on a border guard helicopter. On 13 August, another high-level meeting between the two sides was convened, but was suspended following reports of an outbreak of fighting near the Pass. The Georgian delegation that flew to the area to clarify the situation reported that Abkhaz armed units had moved forward from their positions into the Chkhalta Valley and that Georgian forces had opened fire. On 14 August, the Defence Ministers of the two sides agreed again to withdraw their forces from their positions in the Marukhi Pass area, jointly to remove newly laid mines there, and to request UNOMIG and the CIS peacekeeping force to monitor the withdrawal and mine clearing.

A joint UNOMIG/CIS patrol to the Kodori Valley (31 August–2 September) found that the Abkhaz side was repairing the road in the lower part of the Valley, that the CIS checkpoints there had increased their protective measures and that
the Georgian mortars and ammunition in the upper Valley had still not been removed. Those munitions were finally removed between 3 and 8 October under patrol observation.

With the onset of winter, the situation in the Kodori Valley stabilized, although tension remained. The Abkhaz side continued to maintain that, under the 1994 Moscow Agreement, no armed personnel were allowed in the Valley, whereas the Georgian side argued that only regular military forces were prohibited, but that armed border guards and local National Guard reservists could be present. Between October and mid-December, eight UNOMIG/CIS joint patrols in the Kodori Valley reported no change in the armed presence there. UNOMIG patrols continued to rely on written guarantees for safe passage and security escorts from both the Georgian and Abkhaz sides. On 8 November, an escorting Abkhaz officer denied a patrol access to a village in the lower Kodori Valley. UNOMIG raised the issue with the relevant Abkhaz authorities, who cited security concerns for the denial. UNOMIG intended to ask for access to the area again on future patrols.

**Gali and Zugdidi sectors**

In the Gali and Zugdidi sectors, UNOMIG continued its regular daily patrolling, in addition to responding to complaints about the possible presence of illegal armed groups in Gali, Gumurishi, Tqvarcheli and Akarmara. In the Gali sector, criminal and paramilitary activity continued to be the main security concern. On 14 March, the CIS peacekeeping force apprehended two Georgians after an exchange of fire near Primorsk and handed them over to the local Abkhaz authorities. That led to the retaliatory abduction on 18 March of four CIS peacekeepers, who were later exchanged for the two detained Georgians. On 6 April, two CIS checkpoints came under fire and a truck was ambushed. In early March, an armed robbery of a UNOMIG patrol served as a reminder of the lack of effective law enforcement in the lower Gali region. In response to three attempted break-ins of houses occupied by UNOMIG personnel, the local authorities agreed to patrol UNOMIG lodgings at night.

In the Zugdidi sector, UNOMIG patrols were occasionally confronted with demonstrations by internally displaced persons critical of the perceived incapacity of Georgian central authorities, the CIS peacekeeping force and international organizations to achieve progress in creating conditions conducive to the return of refugees and internally displaced persons. UNOMIG freedom of movement was restricted for three weeks in January and February, when internally displaced persons blocked the major ceasefire line crossing points. UNOMIG continued to give high priority to the security of its personnel. It maintained limited daytime land patrols and suspended helicopter patrols in the sectors, except for necessary administrative flights through a designated route over the Black Sea.

The Joint Fact-finding Group, which brought together UNOMIG, the CIS peacekeeping force and the two sides to investigate violations of the Moscow Agreement and other violent incidents in the zone of conflict, continued to operate. The parties agreed to participate. Four cases had been concluded since January and six investigations were ongoing.

By July, UNOMIG patrols observed a decrease in the level of tension in the Gali sector. Returnees had begun preparing the fields for the next harvest and criminal activities had decreased slightly. However, two bombs exploded on 20 June in Ochamchira and another two eight days later in Tsarche, near the main road between Ochamchira and Gali city. In addition, 2 killings, 1 abduction and 12 robberies were reported in May and June, most of them committed in the lower Gali district. Criminal activities across the ceasefire line remained a problem.

In the Zugdidi sector, the action group of internally displaced persons, which had staged protest blockades at the major ceasefire line crossing points in January and February, reiterated that, if conditions for returns did not improve, it would resume its protests. On 23 June, a demonstration of 700 people, organized by the action group, took place in the centre of Zugdidi.

Two particularly violent shooting incidents occurred in the lower Gali area: during the night of 31 August/1 September at Khumushkhuri (about 15 kilometres south-west of Gali city) and on 25 September, when three Abkhaz officials were killed in an ambush near the main bridge across the Inguri River. A number of shootings at Abkhaz and CIS positions also took place.

At its 20 July meeting, the Coordinating Council’s Working Group II requested UNOMIG to dispatch a security assessment team to the Gali and Zugdidi districts, as a follow-up to the recommendations of the 2000 joint assessment mission [YUN2000, p. 307], to provide options and make recommendations for improving the effectiveness of law enforcement personnel and agencies, and their cooperation with the judiciary, with the aim of creating a safer and more secure environment for returnees. Working Group II also agreed that the problems of the returnee population would become a topic for the weekly quadripartite meetings. In the Zugdidi sector, demonstrations by internally displaced persons, including a
blockade of the main bridge over the Inguri River from 22 August to 5 September, reflected the desperation of the refugees after 10 years of hostilities.

In late October, UNOMIG's Board of Inquiry finalized its investigation into the 2001 shooting down of a UNOMIG helicopter [YUN 2001, p. 383]. While UNOMIG had instituted additional safeguards for helicopter flights, helicopter patrolling remained suspended and only administrative flights were carried out along flight routes over the Black Sea. On 28 September, a Georgian request for access to the crash site in connection with its criminal investigation of the incident was declined by the Abkhaz side. In mid-November, the Russian Federation indicated that it had videotaped evidence relating to the shooting down of the helicopter, which it would make available to the United Nations.

While the situation in the Kodori Valley had stabilized somewhat with the onset of winter (see p. 392), the situation in the Gali sector was marked by violent incidents in Gali city and in lower Gali. The number of robberies, kidnappings and killings increased during November and December. The Abkhaz militia conducted search-and-arrest operations in the Gali security zone on 5 November and between 25 and 27 December. UNOMIG used its good offices to defuse the tensions and alleviate the fears of the local population created by those operations.

The preliminary findings of the security assessment undertaken in the Gali and Zugdidi sectors, as requested by Working Group II in July, identified specific gaps in the organization, training and equipment of the local law enforcement organs. That, together with the absence of a political agreement on the return of refugees, constituted a deterrent for persons wishing to exercise their right of return and aggravated the already difficult situation of those who had already returned to the Gali area. Enhancement of the rule of law and the administration of justice to provide a safe and secure environment for returnees and internally displaced persons was urgently needed. UNOMIG would study the findings and recommendations of the assessment mission upon completion of its full report and would follow up in consultation with the two sides.

**Humanitarian situation and human rights**

International humanitarian agencies and NGOs continued programmes to meet the acute needs of the most vulnerable persons in Abkhazia, Georgia, but their operations were hampered by restrictions on border crossings between the Russian Federation and Abkhazia at the Psou River. Those difficulties were compounded by protest blockades in January and February, which hindered movement across the ceasefire line. The Office for the Coordination of Humanitarian Affairs continued, from its main office in Tbilisi and its sub-offices in Sukhumi and Tskhinvali, to monitor the overall humanitarian situation and facilitate the response of international and national aid agencies, including by disseminating information and analysis.

UNHCR continued its small-scale humanitarian operation in Abkhazia, Georgia. The rehabilitation work in 24 schools (22 in the Gali region and 2 in the Ochamchira region) had been completed in most of the sites on a “self-help” basis. In cooperation with local authorities, UNHCR had begun to identify and assess other schools in need of basic rehabilitation in Gali and beyond.

In a follow-up to the recommendations of the joint assessment mission to the Gali district (see p. 392), the two sides continued to discuss, including in the Coordinating Council’s Working Group III (on social and economic issues), the use of Georgian as the language of education in the Gali region. They did not reach final conclusions but agreed to continue their consultations. In addition, the Special Representative consulted with the two sides on possible ways to strengthen law enforcement in the conflict zone. Both sides agreed to cooperate with a small expert team to be organized by UNOMIG to assess specific needs.

The first phase of the telecommunications rehabilitation programme, financed by Germany and implemented by UNDP under the auspices of Working Group III, was completed, including the re-establishment of the reception of Georgian television channels in the upper Kodori Valley. On 8 April, Working Group III, meeting for the first time in 18 months in Sukhumi, at the ministerial level, agreed on, among other things, cooperation in the removal of radioactive waste from Sukhumi and in the supply of medicines for the treatment of oncological diseases.

On 25 June, Working Group III met in Tbilisi under the chairmanship of the UNDP Resident Representative to discuss cooperation to improve health care in Abkhazia, Georgia, including the Gali region, electricity infrastructure in Sukhumi and Zugdidi and the implementation of the second phase of the UNDP telecommunications project funded by Germany.

The human rights situation in Abkhazia, Georgia, showed little signs of improvement. Law enforcement mechanisms remained too weak to administer justice properly and halt violations of basic human rights, particularly in the security zone. In that context, the undefined and insecure status of spontaneous returnees to the Gali district was of major concern. The ethnic
Georgia, as a result of increased funding from resumed humanitarian activities in Abkhazia, 2003 [A/56/815] and the related ACABQ reports.

The European Community Humanitarian Office (ECHO) announced that it would provide 1.3 million euros to support humanitarian programming on both sides of the ceasefire line. It would target the elderly and most destitute and would be used for dry food distributions, food canteens and income-generating activities. Two NGOs resumed humanitarian activities in Abkhazia, Georgia, as a result of increased funding from ECHO and Switzerland. In December, the United Nations Development Fund for Women opened an office in Sukhumi to support its regional project entitled “Women for conflict prevention, conflict resolution and peace-building in the Southern Caucasus”. The Academy for Educational Development, an American NGO, also opened an office in Sukhumi to support its young leaders programme for Georgian and Abkhaz youth.

**Financing**

The Secretary-General submitted to the General Assembly the UNOMIG financial performance reports for the periods 1 July 2000 to 30 June 2001 [A/56/721] and 1 July 2001 to 30 June 2002 [A/57/676], the proposed budget for the Mission’s maintenance from 1 July 2002 to 30 June 2003 [A/57/851] and the related ACABQ reports [A/56/887 & Add.1].

**GENERAL ASSEMBLY ACTION**

On 27 June (meeting 105), the General Assembly, on the recommendation of the Fifth Committee [A/56/976], adopted resolution 56/503 without vote [agenda item 150].

**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,

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;

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. Requests the Secretary-General to take all necessary action to ensure that the Observer Mission is administered with a maximum of efficiency and economy, with particular regard to air transport;

9. 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;

Financial performance report for the period from 1 July 2000 to 30 June 2001

10. Takes note of the report of the Secretary-General on the financial performance of the Observer Mission for the period from 1 July 2000 to 30 June 2001;

Budget estimates for the period from 1 July 2002 to 30 June 2003

11. Decides to appropriate to the Special Account for the United Nations Observer Mission in Georgia the amount of 33,143,700 dollars for the period from 1 July 2002 to 30 June 2003, inclusive of 31,705,800 dollars for the maintenance of the Observer Mission, 1,284,100 dollars for the support account for peacekeeping operations and 153,800 dollars for the United Nations Logistics Base.

Financing of the appropriation

12. Decides also to apportion among Member States the amount of 33,143,700 dollars at a monthly rate of 2,761,975 dollars in accordance with the levels set out in resolution 55/235, as adjusted by the General Assembly in its resolution 55/235 of 25 December 2000, and taking into account the scale of assessments for the years 2002 and 2003 as set out in its resolution 55/5 B of the same date;

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 of the unencumbered balance of 1,74,900 dollars of the estimated staff assessment income for the period from 1 July 2002 to 30 June 2003, the prorated share of 174,900 dollars of the estimated staff assessment income approved for the support account for the period from 1 July 2002 to 30 June 2003 and the increase in staff assessment income of that account for the period from 1 July 2000 to 30 June 2001; and

14. Decides 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 paragraph 12 above, their respective share of the unencumbered balance of 4,047,197 dollars and their respective share of other income of 1,799,000 dollars in respect of the financial period ended 30 June 2001, in accordance with the levels set out in resolution 55/235, as adjusted by the General Assembly in its resolution 55/235, and taking into account the scale of assessments for the year 2001, as set out in its resolution 55/5 B;

15. Decides also that for Member States that have not fulfilled their financial obligations to the Observer Mission, their respective share of the unencumbered balance of 4,047,197 dollars and other income of 1,799,000 dollars in respect of the financial period ended 30 June 2001 shall be set off against their outstanding obligations in accordance with the scheme set out in paragraph 14 above;

16. Decides further that the decrease in the staff assessment income of 498 dollars shall be set off against the credits from the unencumbered balance in respect of the financial period ended 30 June 2001 referred to in paragraphs 14 and 15 above;

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

18. 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;

19. 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;

20. Decides to include in the provisional agenda of its fifty-seventh session the item entitled “Financing of the United Nations Observer Mission in Georgia”.

On 18 December [A/57/677], the Secretary-General submitted the budget for the maintenance of UNOMIG from 1 July 2003 to 30 June 2004.

On 20 December, the Assembly decided that the item on UNOMIG financing would remain for consideration at its resumed fifty-seventh (2003) session (decision 57/585) and that the item would be considered by the Fifth Committee at that session (decision 57/556).

Georgia–Russian Federation relations

Communications. On 8 March [S/2002/250], Georgia said that, in the context of its support for the international anti-terrorism coalition, it had taken measures to eliminate the possible use of its territory by international terrorist structures. However, its training of Georgian anti-terrorist units, with the help of friendly States, especially the United States, was misunderstood by certain Russian political forces, as confirmed by the Russian State Duma’s (Parliament) 6 March statement to the effect that the United States military presence on Georgian territory created threats to the security, not only of the Russian
Federation, but also of the self-declared “repub-
lies of Abkhazia and South Ossetia”.

On 30 July [S/2002/851], Georgia expressed con-
cern over the violation of its airspace and the
bombardment on 29 July of the northern part of
the village of Girevi in Akhmeta district by a
Russian helicopter and air strikes conducted on
the following day in the northern part of the
Pankisi Gorge near Mount Nakerala by two un-
identified aircraft entering from the Russian
Federation. Georgia called those incidents ag-
gressive acts and demanded their immediate sus-
pension and a joint investigation.

The Russian Federation, on 31 July [A/57/269-
S/2002/854], explained that Chechen fighters and
international terrorists attempted to penetrate its
territory from their bases in Georgia’s Pankisi
Gorge. Contrary to its assurances to the interna-
tional community to restore order there, Geor-
gian authorities were unwilling to take measures
to halt terrorism and were not cooperating with
the Russian Federation in anti-terrorist opera-
tions, while accusing it of aggressive acts against
Georgia. The Russian Federation said the re-
sponsibility for the consequences of the armed
incursion by bandits into its territory lay fully
with Georgia, and it was obliged to take effective
measures to destroy the terrorist bases in the
Pankisi Gorge.

Responding on 23 August [A/57/341-S/2002/950],
Georgia informed the Secretary-General that, on
that date, Russian military aircraft had invaded
Georgian airspace and bombed the villages of
Patara Borbalo, Ukana Pshavi, Tbatan and
Bukharebi and the area of the River Ilto Gorge,
killing three Georgian citizens and wounding
seven, including two children. Georgia accused
the Russian Federation of aggression and mur-
der under the pretext of fighting terrorists.

In an 11 September statement [S/2002/1022],
Russian Federation President Vladimir Putin
warned that if Georgia was unable to establish a
security zone in the border area, continued to
ignore Security Council resolution 1573(2001)
[YUN 2001, p. 61] on measures to eliminate interna-
tional terrorism and did not put an end to the at-
tacks on areas adjoining his country, the Russian
Federation would reserve the right to act in ac-
cordance with Article 51 of the Charter of the
United Nations relating to individual and collec-
tive self-defence. He had asked Russian security
authorities to report on the implementation of
his earlier instructions to strengthen the coun-
try’s southern borders and to propose further
protective measures for the State border. Propos-
sals were also to be announced on special opera-
tions to eliminate bandit units if the terrorists re-
peated their attempts to enter Russian territory,
and on strikes against reliably identified terrorist
bases during pursuit operations. He hoped to be
able to develop joint measures to combat terror-
ism at the October meeting with Georgia’s Presi-
dent.

Georgia, on 13 September [A/57/409-S/2002/
1055], expressed surprise at President Putin’s
statement since the Russian Federation had been
informed of all Georgian military and law
enforcement arrangements to improve the situa-
tion in the Pankisi Gorge and on the Chechen
segment of the Georgian-Russian border. It was
ready to receive an OSCE group of international
experts and Russian Federation representatives
for the purpose of familiarizing themselves with
the actual situation in those areas. While it re-
spected the Russian Federation’s territorial in-
tegrity and right to protect its citizens, President
Putin’s assignments to Russian law enforcement
agencies could be regarded only as a threat of ag-
gression. Georgia did not accept Russia’s inter-
pretation of Article 51 of the Charter to justify
such aggressive intentions. It appealed to the
United Nations, OSCE and the world community
to take measures against such a development in
the Caucasus region. Georgia echoed those and
similar views in identical letters of 15 September
to the Secretary-General and the Security Coun-
cil President [A/57/408-S/2002/1035].

On 19 August [S/2002/944], Georgia questioned
whether the opinions of Vasily Kolotusha, the
Russian Federation’s Ambassador for Special As-
signments—as expressed to Novosti (the Russian
Information Agency) in a 12 August interview—
were his own, or whether they reflected a revision
of the Russian Federation’s fundamental ap-
proaches to the settlement of the conflict in
Abkhazia, Georgia, given their inconsistencies
with President Putin’s positions on the matter.

On 19 September [S/2002/1054], Georgia pro-
tested the use by Russian Foreign Ministry offi-
cials of the title “Prime Minister” in referring to
Abkhaz leader Jergenia. By so doing, the Russian
Federation was attempting to legitimize the
Abkhaz separatist regime. The purposeful steps
it was taking in Abkhazia, Georgia, constituted a
continuation of its protectionist policy, as mani-

fested by the unilateral introduction of a visa-free
regime for the Abkhaz population, the granting
of Russian citizenship to the Abkhaz en masse,
the further intensification of contracts by the
Russian State authorities with the Sukhumi re-
gime and attaching priority to guaranteeing
security for it. Furthermore, on the matter of the
Kodori Valley (see p. 390), the Russian Federa-
tion was relying solely on data from Abkhaz
sources and continued its groundless allegations
that armed bandits were present in the Valley.
Armenia and Azerbaijan

In 2002, there was no change in the positions of Armenia and Azerbaijan with regard to 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, Russian Federation, United States) continued its efforts to mediate the conflict. Both sides addressed communications to the United Nations during the year regarding their concerns and developments in the conflict. Nagorny Karabakh's communications were transmitted by Armenia.

Communications. On 28 February [S/2002/236], Azerbaijan transmitted to the Secretary-General the text of an appeal by the Khojaly refugees, adopted at the 20 February meeting of the refugees of the Khojaly district, which commemorated the tenth anniversary of the 25/26 February 1992 Khojaly genocide. According to Khojaly refugees, Armenian armed units attacked the town of Khojaly, killing 613 persons, taking 1,275 hostages and leaving 150 unaccounted for. The people of Khojaly, living as refugees for the past 10 years, appealed to all peace-loving peoples and international organizations not to remain indifferent to their suffering. They were certain that the world community would condemn Armenia's military aggression against Azerbaijan and assist in ensuring its territorial integrity, in bringing about the return of more than a million refugees to their homes, and in achieving a peaceful settlement of the Armenia-Azerbaijan conflict.

On 6 December [A/57/637], Azerbaijan drew to the attention of the General Assembly President, Glafcos Clerides, President of Cyprus, and Rauf R. Denktas, the Turkish Cypriot leader, met for direct talks in the presence of the Secretary-General's Special Adviser on Cyprus with a view to reaching a comprehensive settlement. However, the talks, which began on 16 January, made little headway. In order to help move the process forward, therefore, the Secretary-General, in November, presented to the two sides his comprehensive settlement proposal “Basis for Agreement on a Comprehensive Settlement of the Cyprus Problem”, which he revised in December to bridge remaining gaps between the parties. Further negotiations, based on the Secretary-General’s plan, were to resume in early 2003.

Cyprus

The year 2002 began with high hopes for a settlement of the Cyprus question, which was first considered by the Security Council in December 1963 [YUN 1963, p. 50]. For the first time, the leaders of the two Cypriot communities, Glafcos Clerides, President of Cyprus, and Rauf R. Denktas, the Turkish Cypriot leader, met for direct talks in the presence of the Secretary-General’s Special Adviser on Cyprus with a view to reaching a comprehensive settlement. However, the talks, which began on 16 January, made little headway. In order to help move the process forward, therefore, the Secretary-General, in November, presented to the two sides his comprehensive settlement proposal “Basis for Agreement on a Comprehensive Settlement of the Cyprus Problem”, which he revised in December to bridge remaining gaps between the parties. Further negotiations, based on the Secretary-General’s plan, were to resume in early 2003.

The United Nations Peacekeeping Force in Cyprus (UNFICYP) continued to assist in the restoration of normal conditions and in humanita-
rian functions. The Security Council twice extended UNFICYP’s mandate, the second time until 15 June 2005.

By decision 56/481 of 6 September, the General Assembly included in the draft agenda of its fifty-seventh (2002) session the item entitled “Question of Cyprus”. On 20 December, it decided that the item would remain for consideration during its resumed fifty-seventh (2003) session (decision 57/585).

Incidents

Communications. Throughout 2002, the Secretary-General received letters from the Government of Cyprus and from the Turkish Cypriot authorities containing charges and counter-charges, 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 21 January and 30 December, Cyprus reported 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”.


In another communication, Cyprus, on 28 May [A/56/966-S/2002/367], protested the illegal arrival of the Turkish oceanographic research vessel “Piri Reis” at the ports of Kyrenia and Famagusta in the Turkish-occupied part of Cyprus, in violation of international law, the UN Charter and the 1982 Convention on the Law of the Sea (YUN 1982, p. 78). The “Turkish Republic of Northern Cyprus”, responding on 26 June [A/56/998-S/2002/707], said that the Greek Cypriot protest, unwarranted and misleading, emanated from its unfounded claim to be the sole sovereign authority over the whole island.

On 12 June [A/56/984-S/2002/670], Cyprus complained about the increase, by approximately 5,500, of the number of Turkish troops in the occupied area of the Republic of Cyprus, bringing Turkish forces there to over 40,000 and, thus, contributing to an atmosphere of tension, fear and intimidation. The “Turkish Republic of Northern Cyprus”, refuting those allegations on 19 July [A/56/1010-S/2002/805], said that the movement of the troops was part of the regular rotation of Turkish forces on the island.

The “Turkish Republic of Northern Cyprus” drew attention to statements made by what it referred to as the Greek Cypriot administration in several UN bodies, containing baseless allegations against it, while outlining its own position on various aspects of the Cyprus question [A/56/769-S/2002/28, A/56/847-S/2002/213, A/57/698-S/2002/1442]. It also transmitted to the Secretary-General a legal opinion on the question of Cyprus’s application for EU membership [A/56/914-S/2002/418]. On 1 October [A/57/445], it rejected allegations by the Cyprus Government [A/56/1028] that two prominent Turkish Cypriot journalists had been unacceptably imprisoned for publishing purportedly defamatory articles in their newspaper.

Good offices mission

Direct talks

Following their agreement on 4 December 2001 (YUN 2001, p. 392) to begin direct talks, without preconditions, in order to achieve comprehensive settlement of the Cyprus question, the President of Cyprus, Glafcos Clerides, and Turkish Cypriot leader, Rauf R. Denktaş, began negotiations on 16 January, at the Secretary-General’s invitation, in the presence of his Special Adviser on Cyprus, Alvaro de Soto. The first meeting took place in the United Nations Protected Area in Cyprus. The Secretary-General travelled to Cyprus on 14 May to discuss with the two leaders ways in which they could move forward more effectively. The rounds of talks continued until October.

Security Council consideration. On 26 February, the Special Adviser briefed the Security Council on the status of the first round of the talks, which ran from 16 January to 19 February. The Council President, in a 26 February press statement [SC/7308], said that Council members, welcoming the commencement of the regular negotiating sessions, urged both leaders to approach the resumption of the talks on 1 March in a spirit of compromise and with a sense of urgency and political determination so as to narrow the differences between them. The Council shared the view of the two leaders that June should be the target date for reaching an agreement.

After being briefed by the Special Adviser on the second round of direct talks held in March, the Council, in a 4 April press statement by the Council President [SC/7354], expressed concern at the slow progress and the great deal of ground still to be covered by the June target date. The
leaders were urged to intensify their negotiations and bring to them the urgency, political determination, flexibility and the spirit of give and take needed to resolve their differences.

Since no further progress was made at the third round of negotiations in April, the Council, in a 3 May press statement by the President [SC/7389], following another interim briefing by the Special Adviser, said that the time had come to set down on paper areas of common ground between the two sides, with the aim of establishing the component parts of a comprehensive settlement and to address the remaining differences through compromise. It urged both sides, especially the Turkish side, to cooperate fully with the Special Adviser.

Assessment and review of direct talks

The Secretary-General, in an assessment of the direct talks [S/2003/398], said that the two leaders took entirely different approaches to the negotiations. Mr. Clerides believed that the leaders should refrain from restating their visions or debating their merits, and proposed that they indicate where they could and could not be flexible, and engage in a process of give and take on all the core issues, helping each other to meet their most basic concerns. Mr. Denktas took the position that the parties should first reach a common understanding on a vision of a settlement by converging on the end result, before engaging in the details of the core issues. Mr. Clerides strongly disagreed with that approach. As a result, many of the meetings ended up being discussions about the visions of the two sides and debates about the past, with little or no progress made in bringing those visions closer together. Mr. Denktas discussed the core issues by restating his old positions, often from prepared texts, rather than engaging in an exercise of give and take. However, he was not prepared to discuss the core issue of territory until the issue of sovereignty had been addressed. For his part, Mr. Clerides, keen for negotiations to be held on territory and property, indicated that, if a substantial majority of Greek Cypriots were able to return to their homes under Greek Cypriot administration, he would be prepared to be flexible on the issue of property.

The two leaders did make some headway on a small number of issues, including the powers of the central authority and security. On the latter issue, they provisionally agreed on some key points late in May but, after consultations with Turkey, Mr. Denktas called major elements of that agreement into question, leading Mr. Clerides to insist that whatever had been provisionally agreed to would be considered void. They also discussed the issue of citizenship, including for people from Turkey who had settled in Cyprus since 1974, but that was not followed up by Mr. Denktas.

On the question of third-party assistance in the talks, Mr. Denktas was strongly resistant to the United Nations playing a substantive role. Moreover, on the aim of reaching an agreement in time for the accession to the EU of a reunited Cyprus, Mr. Denktas’s position during the talks was often contradictory.

To move the process forward and instil a sense of urgency, the Special Adviser held meetings where the two leaders were not accompanied by aides. Those meetings produced some glimmers of progress, which seldom lasted. The Special Adviser also conducted seminars with each leader and his team, during which the United Nations discussed with the parties creative ways to address the particularly difficult issues.

Security Council consideration. On 9 July, the Security Council reviewed the whole process of direct talks and was again briefed by the Special Adviser. The Council, in a press statement of the President [SC/7444], expressed disappointment that, despite the Secretary-General’s personal involvement, including his May visit to Cyprus, progress remained disappointingly slow and that the June target date for agreement had not been met. It noted, in that regard, that the Turkish Cypriot side had been less constructive in its approach and had not supported the goal of resolving the core issues by June. The Council called for more United Nations involvement in the talks and endorsed the intention to continue them for a further period. It urged both sides to cooperate fully, and in particular to work with the Secretary-General’s Special Adviser in his efforts to establish the component parts of a comprehensive settlement, taking into consideration relevant Council resolutions and treaties. It also underscored the need for the Turkish side, in particular, to move in that direction.

Secretary-General’s plan for a comprehensive settlement

After the June target date passed with no breakthrough, the Secretary-General’s Special Adviser compiled a list of work outstanding, and suggested a work programme to the two leaders when the talks resumed after the August break [S/2003/398]. Though the leaders did not reach any agreements at the resumed talks, they did explore issues that hitherto had been largely ignored: how a new state of affairs might come into being; what methods might be used to provide elements of continuity for both sides in that new state of affairs; the nature of the transitional gov-
ernmental structures; and an approach to addressing the issues of territory and property as a package. Concerning the coming into being of the new state of affairs, the Secretary-General, in meetings with the two leaders in Paris on 6 September and in New York on 3 and 4 October, focused on issues relating to the validity of past acts, treaties to be binding on Cyprus and the laws to be in force. On 4 October, the two leaders agreed to create two technical committees to work on those issues.

The Secretary-General said it had become abundantly clear that the two leaders would not be able to reach agreement. However, the process had given the United Nations a detailed understanding of their positions and the time to identify ways of bridging them, while meeting the concerns, needs, interests and aspirations of each side. The Secretary-General therefore considered submitting a written proposal, the timing of which was influenced by Mr. Denktas’s convalescence following open-heart surgery early in October, the Turkish elections early in November, the European Council meeting (Copenhagen, Denmark, 12-13 December), which would decide on EU membership for Cyprus, and the prospect of political campaigning to succeed Mr. Clerides.

On 11 November, the Secretary-General presented to the parties and the guarantors (Greece, Turkey, United Kingdom) the document “Basis for Agreement on a Comprehensive Settlement of the Cyprus Problem”. The proposal was constructed in such a way that the two leaders could sign the “Comprehensive Settlement of the Cyprus Problem”, committing themselves to finalizing negotiations, with UN assistance, by 28 February 2003, and submit the final plan to separate simultaneous referendums for approval on 30 March 2003. That would allow a new state of affairs to come into being and a reunited Cyprus to sign the Treaty of Accession to the EU on 16 April 2003. The Secretary-General asked the parties to convey their initial reactions within a week. On 18 November, Mr. Clerides informed the Secretary-General that he was prepared to negotiate, but sought a number of clarifications. Mr. Denktas, after requesting more time to consult, stated on 27 November that he also was prepared to negotiate but noted several serious concerns on his side. Mr. Denktas’s delayed reaction left little time for negotiation prior to the EU summit in Copenhagen. Nevertheless, the two leaders, at the Secretary-General’s request, gave written reactions to the substance of the document, in particular on the essential issues he had asked them to focus on.

During the time remaining before the Copenhagen summit, the Special Adviser engaged in round-the-clock consultations with both leaders, as well as with Greece and Turkey; members of the UN team also held extended discussions of details with the two leaders’ advisers.

To bridge remaining gaps between the parties, the Secretary-General put forward, on 10 December, a revised version of his plan, and invited the two leaders and the guarantors to Copenhagen on 12 and 13 December in the hope of achieving agreement before the European Council meeting. Mr. Denktas did not attend the Copenhagen summit and only sent a representative following the Secretary-General’s personal intervention. That representative, Tahir Ertugruloglu, although he had authority to sign an agreement should Mr. Denktas make such a decision, was unyielding on the substance of the issues, a position supported by Mr. Denktas in public statements in Ankara. For its part, Turkey sought to link a settlement of the Cyprus issue with its own EU perspective. Consultations between the Special Adviser and Turkish officials focused solely on the territorial issue but were not pursued. Mr. Clerides took a non-committal position. In view of Mr. Denktas’s negative attitude, the question as to whether the Greek Cypriot side would sign the “Basis for Agreement on a Comprehensive Settlement of the Cyprus Problem” became theoretical. Although agreement seemed very close, once it became clear that no agreement would be reached at Copenhagen, the Secretary-General decided not to attend himself. He did, however, press the urgency of the matter with the Turkish leader, Recep Tayip Erdogan, in New York on 10 December.

The Secretary-General said that the missed chance at Copenhagen did not spell the end of the effort. The Security Council and the EU had called on the parties to try to reach agreement by 28 February 2003, the date envisaged for the finalization of all aspects of the Secretary-General’s plan. The Secretary-General proposed a three-track negotiation: the leaders should focus on achieving agreement on the substantive issues, which he hoped would be confined to one or two major questions; Greece and Turkey should focus on reaching agreement and finalizing the security aspects of the plan; and the technical committees, agreed to on 4 October (see above), should be appointed and begin meeting without delay to finalize laws and the list of treaties to be binding on Cyprus on the basis of his revised plan.

Security Council consideration. The Security Council President issued an 18 December press statement [SC/7622], noting that the Council had
been briefed by the Special Adviser to the Secretary-General on Cyprus on the recent negotiations aimed at achieving agreement on a comprehensive settlement to the Cyprus problem. Council members commended the Secretary-General for the initiatives he had taken in November and December to bridge the gaps between the two sides and expressed the view that the 11 November proposal, as revised on 10 December, offered a unique opportunity to reach a settlement in the coming weeks. They regretted that the Turkish Cypriot leadership had not responded in a timely way to the Secretary-General’s initiatives and called for its constructive efforts to reach a settlement in conformity with the timetable proposed by the Secretary-General. They welcomed the willingness of both sides to continue the negotiations and underlined the importance of intensifying them so that full agreement could be reached before 28 February 2003, in conformity with the proposed timetable.

Continuation of good offices mission

The Secretary-General, on 18 December [S/2002/1402], drew the Security Council’s attention to the fact that efforts related to his mission of good offices would continue in 2003. In furtherance of that mission, his Special Adviser would continue to be assisted by a small team. He asked the Council President to emphasize to Council members the importance that he attached to their support in discharging that mission.

The Council took note of the Secretary-General’s letter on 20 December [S/2002/1403].

UNFICYP

The United Nations Peacekeeping Force in Cyprus, established by Security Council resolution 186(1964) [YUN 1964, p. 165], continued in 2002 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, UNFICYP’s task was to judge whether changes in military positions constituted violations of the military status quo, as recorded by the Force in 1974.

UNFICYP, under the overall authority of the Acting Special Representative and Chief of Mission, Zbigniew Włosowicz (Poland), continued to keep the area between the ceasefire lines, known as the buffer zone, under constant surveillance through a system of observation posts and through air, vehicle and foot patrols.

During 2002, Alvaro de Soto continued as the Secretary-General’s Special Adviser on Cyprus. As at 31 December, UNFICYP, under the command of Major General Jin Ha Hwang (Republic of Korea), comprised 1,196 troops and 35 civilian police.

Activities

Report of Secretary-General (May). The Secretary-General, in his 30 May report covering developments and UNFICYP activities from 28 November 2001 to 20 May 2002 [S/2002/590], said that, except for a few incidents, the situation along the ceasefire lines remained calm. Air violations of the UN buffer zone decreased from 34 during the last reporting period to 17. The restrictions imposed on UNFICYP by the Turkish forces/Turkish Cypriot security forces in July 2000 [YUN 2000, p. 404] continued to hamper its operations. Likewise, those imposed in November of the same year along the Famagusta/Dherinia road prevented UNFICYP from monitoring the whole fenced-off area of Varosha, limiting its observation to those areas visible from static observation posts and a short patrol route. There was also no change in the violation of the military status quo in the village of Strovilia.

Crossing of the maritime security lines (the seaward extension of the median line of the buffer zone) continued and the same applied to the eastern maritime security line, near Famagusta. The National Guard continued to strengthen the two defensive positions outside the buffer zone, south of Pyla, to compensate for the landmines it was in the process of clearing. The clearing of the minefield connecting the two positions was nearing completion. In April and May, UNFICYP destroyed some 4,500 assorted weapons that had been purchased by the Cyprus Government in 1972 and placed under UN guard.

UNFICYP assisted in the restoration of normal conditions and humanitarian functions by facilitating youth events, monthly meetings of political parties, press conferences, workshops and seminars, meetings of the business sector and NGOs and the International Women’s Day celebration. It also supported civilian activities in the buffer zone and carried out humanitarian activities in support of the 428 Greek Cypriots and 162 Maronites living in the northern part of the island and of those Turkish Cypriots in the southern part who had made themselves known to the Force.

The Secretary-General said that he was encouraged by the increasing contacts between the Greek Cypriot and Turkish Cypriot communities through a system of observation posts and through air, vehicle and foot patrols.
and recommended that the Security Council extend UNFICYP’s mandate until 15 December 2002.

SECURITY COUNCIL ACTION

On 13 June [meeting 4551], the Security Council unanimously adopted resolution 1416(2002). The draft [S/2002/652] was prepared in consultations among Council members.

The Security Council,

Welcoming the report of the Secretary-General of 30 May 2002 on the United Nations operation in Cyprus, and 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 2002,

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 December 2002;

3. Requests the Secretary-General to submit a report by 1 December 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.

Report of Secretary-General (November). On 15 November (S/2002/1245), the Secretary-General reported that the situation along the ceasefire line remained unchanged, except for moments of tension due mainly to the National Guard improving its defensive positions and living quarters. Turkish forces made some improvements to their observation posts, including a position near Pyla, in the buffer zone. Thirty-seven air violations were recorded, and crossings of the maritime security lines, both the western line by Turkish forces and the eastern line, near Famagusta, by Greek Cypriot fishing boats and pleasure crafts, increased significantly.

UNFICYP facilitated 28 events, bringing together some 13,000 Greek and Turkish Cypriots in the buffer zone. With the cooperation of both sides, it opened Dionysou Street in the old town of Nicosia for civilian use, facilitated a service for Latins and Maronites in the Latin Cemetery in the buffer zone, assisted in the desilting of the Marathassa dam to double its water storage capacity, and arranged the repair of an old irrigation aqueduct in Avlona village and of the Liminitis water pipeline, and the resumption of the spring-water supply from Verakies in the south to Lefka in the north. UNFICYP declined to grant permission, on security grounds, to Turkish Cypriot authorities to construct a new road linking Playa in the buffer zone to Arsos in the north. It did, however, grant them permission to sink a bore well on the plateau near Pyla to supply water to the adjoining village of Pergamos.

The Greek and Turkish Cypriot leaders, in their continuing search for a solution to the problem of missing persons, held three separate meetings in July in the presence of the head of UNFICYP.

The Secretary-General recommended that the Council extend UNFICYP’s mandate until 15 June 2003.

SECURITY COUNCIL ACTION


The Security Council,

Welcoming the report of the Secretary-General of 15 November 2002 on the United Nations operation in Cyprus, and 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 2002,

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 2003;

3. Requests the Secretary-General to submit a report by 1 June 2003 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 27 June [meeting 105], the General Assembly, having considered the Secretary-General’s report on UNFICYP’s financial performance for the period 1 July 2000 to 30 June 2001 [A/56/782], the proposed budget for UNFICYP’s maintenance for
the period 1 July 2002 to 30 June 2003 [A/56/838] and A/AC.87/6/Add.4, adopted, on the recommend- tion of the Fifth Committee [A/56/982], resolution 56/302 without vote (agenda item 149).

**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, regarding the establishment of 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 416(2002) of 13 June 2002,

_Recalling also_ its resolution 47/236 of 14 September 1993 on the financing of the Force for the period beginning 16 June 1993 and its subsequent resolutions and decisions thereon, the latest of which was resolution 55/266 of 14 June 2001,

_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,

_Notting with appreciation_ that voluntary contributions have been made to the Force by certain Governments,

_Notting_ 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 fulfill 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 at 30 April 2002, including the contributions outstanding in the amount of 15 million United States dollars, representing some 8 per cent of the total assessed contributions, notes with concern that only thirty-eight Member States have paid their assessed contributions in full, and urges all other Member States, in particular those in arrears, to ensure payment of their outstanding assessed contributions;

_2. Expresses concern_ at the financial situation with regard to peacekeeping activities, in particular as regards the reimbursements to troop contributors that bear additional burdens owing to overdue payments by Member States of their assessments;

_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 effective and efficient discharge of their respective mandates;

_8. Reiterates its request_ to the Secretary-General to make the fullest possible use of facilities and equipment at the United Nations Logistics Base at Brindisi, Italy, in order to minimize the costs of procurement for the Force;

_9. Endorses the 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;

**Financial performance report for**

the period from 1 July 2000 to 30 June 2001

_12. Takes note_ of the report of the Secretary-General on the financial performance of the Force for the period from 1 July 2000 to 30 June 2001;

**Budget estimates for**

the period from 1 July 2002 to 30 June 2003

_13. Decides_ to appropriate to the Special Account for the United Nations Peacekeeping Force in Cyprus the amount of 45,632,400 dollars for the period from 1 July 2002 to 30 June 2003, inclusive of 45,632,700 dollars for the maintenance of the Force, 1,767,900 dollars for the support account for peacekeeping operations and 1,380,000 dollars for the United Nations Logistics Base;

**Financing of the appropriation**

_14. Notes with appreciation_ that a one-third share of this amount, equivalent to 15,210,800 dollars, will be funded through voluntary contributions from the Government of Cyprus and the amount of 6.5 million dollars from the Government of Greece, these amounts to be partially offset by their respective shares of the estimated staff assessment income in the amount of 631,900 dollars for the Government of Cyprus and the amount of 270,100 dollars for the Government of Greece;

_15. Decides_ to apportion among Member States the amount of 29,921,600 dollars at a monthly rate of 1,993,466 dollars, in accordance with the levels set out in resolution 55/235, as adjusted by the General Assembly in its resolution 55/236 of 23 December 2000, and taking into account the scale of assessments for the years 2002 and 2003 as set out in its resolution 55/5 B of the same date, subject to a decision of the Security Council to extend the mandate of the Force;

_16. Decides_ 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 993,800 dollars for the period from 1 July 2002 to 30 June 2003, the prorated share of 126,200 dollars of the estimated staff assessment income approved for the Force for the period from 1 July 2002 to 30 June 2003, and the prorated share of 9,900 dollars of the estimated staff assessment income approved for the United Nations Logistics Base share of 9,900 dollars of the estimated staff assessment income of 548,870 dollars in respect of the financial period ended 30 June 2001, that the prorated share of the unencumbered balance in the amount of 158,930 dollars and other income of 868,510 dollars in respect of the financial period ended 30 June 2001 shall be set off against their outstanding obligations in accordance with the scheme set out in paragraphs 17 and 18 above;

19. **Decides also** that, taking into account the decrease in the staff assessment income of 103,300 dollars in respect of the financial period ended 30 June 2001, there shall be set off against the creditors from the unencumbered balance referred to in paragraphs 17 and 18 above;

20. **Decides further**, taking into account its voluntary contribution in respect of the financial period ended 30 June 2001, that one third of the unencumbered balance in the amount of 353,900 dollars and other income in the amount of 560,000 dollars in respect of the financial period ended 30 June 2001 shall be returned to the Government of Cyprus, these amounts to be partially offset by its share in the decrease in the staff assessment income in the amount of 15,460 dollars in the Tax Equalization Fund;

21. **Decides**, taking into account its voluntary contribution in respect of the financial period ended 30 June 2001, that the prorated share of the unencumbered balance in the amount of 158,930 dollars and other income in the amount of 254,490 dollars in respect of the financial period ended 30 June 2001 shall be returned to the Government of Greece, these amounts to be partially offset by its share in the decrease in the staff assessment income in the amount of 15,460 dollars in the Tax Equalization Fund;

22. **Decides also** 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;

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

24. **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;

25. **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;

26. **Notes with appreciation** that the objectives in the report of the Secretary-General have been described in simple, concise terms and the outputs are described in relation to expected accomplishments and indicators of achievement;

27. **Decides** to include in the provisional agenda of its fifty-seventh session the item entitled “Financing of the United Nations Peacekeeping Force in Cyprus”.

On 20 December, the Assembly decided that the item on UNFICYP’s financing would remain for consideration at its resumed fifty-seventh (2003) session (decision 57/585) and that the Fifth Committee would continue to consider the item at that session (decision 57/556).

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**Other issues**

### Cooperation with OSCE

In response to General Assembly resolution 56/216 [YUN 2001, p. 397], the Secretary-General submitted a July report [A/57/217] describing cooperation between the United Nations and the Organization for Security and Cooperation in Europe (OSCE). The report detailed information on specific cooperation activities carried out between OSCE and the UN Secretariat and various UN offices, programmes and agencies. During the year, a number of meetings took place between the United Nations and OSCE, including the annual high-level tripartite meeting of the United Nations, OSCE and the Council of Europe (Strasbourg, France, 7-8 February).

The United Nations and OSCE continued to practise a division of labour based on their comparative advantages: the United Nations maintained the lead in efforts in Abkhazia, Georgia, and 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. Speci-
fic efforts were made to improve consultation and cooperation in the field and between the respective headquarters.

**GENERAL ASSEMBLY ACTION**

On 20 December [meeting 79], the General Assembly adopted Resolution 57/298 (draft: A/57/L.72 & Add.1, amended by A/57/L.73) by recorded vote (147-0-3) [agenda item 22 (b)].

**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 in its role 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 2002,

Undertaking the important cooperation and coordination between the participation of high-level United Nations representatives in meetings of the Organization for Security and Cooperation in Europe;

5. Praises the close cooperation between the institutions of the Organization for Security and Cooperation in Europe, in particular the High Commissioner on National Minorities, the Office for Democratic Institutions and Human Rights, the Representative on Freedom of the Media and the relevant United Nations bodies, welcomes in this regard the active participation of high-level representatives of the Office of the United Nations High Commissioner for Refugees, the United Nations Educational, Scientific and Cultural Organization, the United Nations Development Programme and the Office on Drugs and Crime of the Secretariat in its annual Human Dimension Implementation Meeting, which paved the way for the documents adopted at the Tenth Ministerial Council in that field, and also welcomes the contribution of the United Nations Educational, Scientific and Cultural Organization, the Economic Commission for Europe and the United Nations Environment Programme to the 2002 Economic Forum of the Organization for Security and Cooperation in Europe;

6. 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, fundamental freedoms and arms control and confidence- and security-building measures;

7. Welcomes the efforts undertaken to promote in operational terms the concept of the Platform for Cooperative Security, adopted at the Summit in Istanbul in 1999, and encourages the continued development of modalities of cooperation between the Organization for Security and Cooperation in Europe and other international and regional organizations and institutions;

8. Commends the work of the Organization for Security and Cooperation in Europe on the implemen-
tation of its Bucharest Plan of Action for Combating Terrorism and of the Programme of Action adopted at the Bishkek International Conference on enhancing security and stability in Central Asia, held on 13 and 14 December 2001, 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, welcomes the reports presented by the Secretary-General of the Organization for Security and Cooperation in Europe to strengthen their policing skills; and to the Chairman of the Counter-Terrorism Committee of the United Nations on the activities of that organization, as well as for its continued and continued under the Portuguese Chairmanship, of the High-Level Conference on Preventing and Combating Terrorism, held in Lisbon on 12 June 2002, which, in full recognition of the leading role of the United Nations in countering terrorism, sought to enhance cooperation among the various organizations involved;

9. Notes the continued process of reviewing the management and the working procedures of the Organization for Security and Cooperation in Europe undertaken at the initiative of the Romanian chairmanship in 2001 and continued under the Portuguese chairmanship in 2002 with the goal of strengthening its efficiency on issues of security and cooperation in Europe and in countering threats and challenges to security and stability in its region;

10. Acknowledges the progress made in implementing the decisions to strengthen the Organization for Security and Cooperation in Europe as a political forum, namely through a balanced approach in its three dimensions, and takes note in this respect of enhanced cooperation in the economic and environmental dimensions, welcoming in particular the recommendations of the 2002 Economic Forum on cooperation for the sustainable use and the protection of the quality of water and the recommendations of the seminar held in Paris on the socio-economic impact of disarmament;

11. Commends the adoption of new modalities for the annual Human Dimension Implementation Meeting of the Organization for Security and Cooperation in Europe, and welcomes the continued close cooperation between the Organization for Security and Cooperation in Europe and the Offices of the United Nations High Commissioner for Refugees and the United Nations High Commissioner for Human Rights, as well as for the Office on Drugs and Crime;

12. Praises the work done by the Organization for Security and Cooperation in Europe to develop its capacity to assist participating States wishing to strengthen their policing skills;

13. Welcomes the efforts by the Organization for Security and Cooperation in Europe to broaden dialogue with partners outside its area, such as the Mediterranean Partners for Cooperation and Asian Partners for Cooperation, the Shanghai Cooperation Organization, the Conference on Interaction and Confidence-building Measures in Asia, the Organization of the Islamic Conference, the League of Arab States, the African Union and those States bordering on the area of the Organization for Security and Cooperation in Europe, and to exchange best practices and lessons learned in counter-terrorism efforts for application in its area;

14. Notes with appreciation the active involvement of the Organization for Security and Cooperation in Europe in Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia and the Federal Republic of Yugoslavia, including Kosovo, Federal Republic of Yugoslavia, and its commitment to continue to contribute substantially to early warning, conflict prevention, crisis management and post-conflict rehabilitation in the region, thereby fostering peace and stability in the area;

15. Commends the work of the Mission of the Organization for Security and Cooperation in Europe to the Federal Republic of Yugoslavia and of the authorities of that country to promote legislative reform and institution- and capacity-building, and notes with satisfaction their commitment to facilitate the consolidation of democracy, the strengthening of the rule of law, through in particular the training of a multi-ethnic police element in South Serbia, including respect for human rights and fundamental freedoms, as well as the process of the return of refugees and internally displaced persons in the region;

16. 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, as an essential part of the United Nations Interim Administration in Kosovo, in particular for its substantial role in the preparation and organization of the Kosovo local election of 26 October 2002, in view of the consolidation of stability and prosperity in Kosovo 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), as well as for its continued commitment to training a multi-ethnic, community-based Kosovo police service, building democratic institutions and promoting human rights;

17. Welcomes the efforts of the Organization for Security and Cooperation in Europe to contribute to the implementation of the Framework Agreement concerning the former Yugoslav Republic of Macedonia, concluded on 13 August 2001, in particular through its programmes of training and reform of the police forces, confidence-building and inter-ethnic relations, and commends the Organization for Security and Cooperation in Europe for its contribution to the holding of peaceful and democratic elections on 15 September 2002;

18. Commends the work of the Mission of the Organization for Security and Cooperation in Europe to Bosnia and Herzegovina in accomplishing the transition in the administration and conduct of the election process to the authorities of Bosnia and Herzegovina, in compliance with the Dayton/Paris peace accords, and for the support given to Bosnia and Herzegovina in the preparation and conduct of general elections on 5 October 2002, which were held largely in line with international standards for democratic elections, as well as for its continued substantive support to the
Property Law Implementation Plan process, which is due to be completed by 2005;

19. **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 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;

20. **Expresses its deep concern** that in spite of the efforts undertaken by the Republic of Moldova and the mediators of the Organization for Security and Cooperation in Europe in the Transdniester region, the Russian Federation and Ukraine, no progress was achieved in 2002 towards negotiating a comprehensive political settlement of the Transdniester problem, based on full respect of the sovereignty and territorial integrity of the Republic of Moldova, regrets that, notwithstanding all these efforts, the Transdniester side continues to obstruct the negotiation process, welcomes the efforts made by the Russian Federation to fulfil its commitments undertaken at the summit of the Organization for Security and Cooperation in Europe held in Istanbul in 1999, and also welcomes the commitment of the Russian Federation to complete the withdrawal of Russian forces as early as possible and its intention to do so by 31 December 2003, provided necessary conditions are in place.

21. **Supports** the efforts of the Portuguese chairmanship of the Organization for Security and Cooperation in Europe in Europe and the Government of Belarus to find a mutually acceptable decision regarding the field presence in Belarus of the Organization for Security and Cooperation in Europe in Europe;

22. **Welcomes** the activities of the Organization for Security and Cooperation in Europe to promote the peace process in the Tskhinvali region/South Ossetia, Georgia, namely the results achieved in the meeting at Castelo Branco, Portugal, and the steps to reduce the quantities of small arms and light weapons in that region, as well as the work of the Mission of the Organization for Security and Cooperation in Europe in Europe to Georgia in facilitating a number of projects aimed at involving the local community in that process, and, in accordance with the commitments made at the Istanbul summit, supports the desire of the parties to complete negotiations regarding the duration and modalities of the functioning of the Russian military bases at Batumi and Alakhalakali and other Russian military facilities within the territory of Georgia, and takes note of the transparent visit of the military experts of the Organization for Security and Cooperation in Europe to the Gudauta base in Abkhazia, Georgia, which was a milestone on the way to a speedy and legal transfer of the Gudauta facilities;

23. **Appreciates** the cooperation between the United Nations and the Organization for Security and Cooperation in Europe in bringing forward a peaceful solution of the conflict in Abkhazia, in particular the active participation of the representative of the Organization for Security and Cooperation in Europe in the negotiations led by the United Nations, but regrets that substantial progress has not been made in overcoming the precarious stalemate that remains on the core issue of the Georgian-Abkhazian conflict, the future status of Abkhazia within the State of Georgia, and welcomes the readiness of the Organization for Security and Cooperation in Europe to further its projects in Abkhazia in the human dimension;

24. **Comments** the work of the border monitoring operation of the Mission of the Organization for Security and Cooperation in Europe to Georgia along the border between Georgia and the Chechen and Ingushetia Republics of the Russian Federation as a significant contribution to stability and confidence in the region;

25. **Notes with satisfaction** the increased efforts of the Organization for Security and Cooperation in Europe to promote cooperation with the five participating States of Central Asia, as well as regional cooperation among these States, in all dimensions of security, in particular in the fight against terrorism, as well as in the sphere of economic and environmental issues, encourages continued close cooperation between the Organization for Security and Cooperation in Europe, the United Nations and other international actors in this region, and welcomes the efforts of the Organization for Security and Cooperation in Europe to promote implementation of the Programme of Action adopted at the Bishkek International Conference on enhancing security and stability in Central Asia, held under the auspices of the Organization for Security and Cooperation in Europe and the Office for Drug Control and Crime Prevention of the Secretariat, including the holding of a regional expert meeting on combating trafficking in small arms and light weapons in Central Asia, as well as the readiness of the Organization for Security and Cooperation in Europe to assist in addressing specific issues related to the process of democratic reform, institution building and the reform of the law enforcement agencies in the five participating States in Central Asia;


27. **Remains deeply concerned** 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 norms and principles of international law, encourages the parties to explore further measures that would enhance mutual confidence and trust, welcomes the commitment of the parties to the ceasefire and to achieving a peaceful and comprehensive settlement, also welcomes in particular the continued meetings of the Presidents of Armenia and Azerbaijan.
and of their special representatives, and encourages the parties to continue their efforts, with the active support of the Co-Chairmen, aimed at reaching a just and enduring settlement;

28. Decides to include in the provisional agenda of its fifty-ninth session the sub-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-ninth 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 57/281:

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Belgium, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Iran, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mexico, Monaco, Mongolia, Morocco, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Senegal, Serbia, Sierra Leone, Singapore, Slovak Republic, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Switzerland, Sweden, Sweden, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Tuvalu, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States, Uruguay, Uzbekistan, Venezuela, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: None.

Abstaining: Armenia, Belarus, Madagascar.

Before the adoption of the resolution, a recorded vote (57-2-100) was taken on an amendment introduced by Azerbaijan [A/57/L.73], adding paragraph 26, which stated specifically that Nagorny Karabakh was a region of Azerbaijan.

Cooperation with the Council of Europe

In response to General Assembly resolution 56/43 [YUN 2001, p. 399], the Secretary-General submitted a July report [A/57/225] on cooperation between the United Nations and the Council of Europe.

He stated that the two organizations continued to cooperate on matters of mutual interest through direct contacts between their secretariats and between the Council and UN common system bodies, and through the Council’s observer status in the General Assembly and formal communications between the Secretaries-General of the two organizations, as well as between the UN Secretary-General and the President of the Council’s Parliamentary Assembly.

The Secretary-General noted the organizations’ concerted efforts towards a balanced and equitable division of responsibilities of their shared interests, including in the areas of conflict prevention, in post-conflict peace-building and other confidence-building measures for increasing tolerance and understanding between peoples of different ethnic groups, especially those within countries in crisis, and in anti-terrorism efforts.

GENERAL ASSEMBLY ACTION

On 16 December [meeting 75], the General Assembly adopted resolution 57/156 [draft: A/57/L.25/Rev.1 & Add.1] by recorded vote (92-0-65) [agenda item 22 (d)].

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 1954 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, including the protection of national minorities, 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,

Welcomes the report of the Secretary-General;

2. Reiterates its appreciation for the ongoing fruitful 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 further development of close cooperation between the Council of Europe, the Office of the United Nations High Commissioner for Human Rights, the Office of the United Nations High Commissioner for Refugees, the United Nations Children’s Fund and the Economic Commission for Europe;

4. Notes the role the Council of Europe has played in facilitating the entry into force of the Rome Statute of the International Criminal Court and the readiness of the Council to provide its member States with the appropriate assistance with a view to them becoming parties to and implementing the Rome Statute;

5. Expresses its appreciation for the contribution of the Council of Europe to the implementation of the
Programme of Action adopted by the World Conference on Human Rights, Durban, South Africa, 31 August to 8 September 2001, including the follow-up action taken by the European Commission against Racism and Intolerance;


7. Expresses its appreciation for the substantial contribution of the Council of Europe to the special session of the General Assembly on children, held from 8 to 10 May 2002, and notes the adoption by the Council of the European Convention on the Exercise of Children’s Rights, which entered into force in 2000;

8. Also expresses its appreciation for the contributions of the Council of Europe to the International Conference on Financing for Development, held in Monterrey, Mexico, from 18 to 22 March 2002, and particularly to its follow-up process, through activities involving Governments, parliamentarians, local and regional authorities and civil society organizations, aimed at turning the commitments made at the Conference into specific actions;

9. Further expresses its appreciation for the substantial contribution of the Council of Europe to the World Summit on Sustainable Development, held in Johannesburg, South Africa, from 26 August to 4 September 2002, and notes its contributions to the follow-up work, for example, concerning education for sustainable development, carried out by its North-South Centre;

10. Commends strongly the contribution of the Council of Europe to international action against terrorism, welcomes the work of the Council’s Multidisciplinary Group on International Action against Terrorism aimed, inter alia, at strengthening legal cooperation in the fight against terrorism, and in this context welcomes the approval on 7 November 2002 by the Committee of Ministers at its one hundred and eleventh session of the content of the draft protocol amending the European Convention on the Suppression of Terrorism which was opened for signature in 1977;

11. Welcomes the assessment made by the Committee of Ministers at its one hundred and eleventh session on each of the three cornerstones it had defined in 2001 for the contribution of the Council of Europe to United Nations–led international action against terrorism, namely intensifying legal cooperation to combat terrorism, safeguarding fundamental values and investing in democracy;

12. Commends the Council of Europe for its contribution to the implementation of Security Council resolution 1373(2001) of 28 September 2001, and takes note in this context of the Council of Europe’s Guidelines on Human Rights and the Fight against Terrorism, adopted by its Committee of Ministers on 11 July 2002 and referred to in the addendum to the report of the Secretary-General on measures to eliminate international terrorism;

13. Welcomes the accession to the Council of Europe of Bosnia and Herzegovina on 24 April 2002, and expresses its appreciation for the cooperation and assistance the Council extends to this country in order to facilitate its compliance with Council standards of democracy, human rights and the rule of law;

14. Takes note of Opinion No. 239 adopted by the Parliamentary Assembly of the Council of Europe on 21 September 2002, in which the Assembly recommended that the Committee of Ministers, on the basis of a series of commitments accepted by the highest Yugoslav authorities, invite the Federal Republic of Yugoslavia to become a member of the Council as soon as the constitutional Charter had been adopted by the Parliaments of Serbia and Montenegro;

15. Notes that the Ministers of the forty-four member States, at the one hundred and eleventh session, reiterated their common will to see the Federal Republic of Yugoslavia become a member of the Council of Europe, while at the same time regretting that circumstances at present did not yet permit the adoption of an official invitation to the Federal Republic of Yugoslavia to join the Council;

16. Welcomes the ongoing participation of the Council of Europe in the implementation of Security Council resolution 1244(1999) of 10 June 1999 and its cooperation with the United Nations Interim Administration Mission in Kosovo, and commends the role of the Council of Europe in the development of democratic institutions, inter alia, in respect of the decentralization process, human rights protection and the rule of law in accordance with the standards of the Council of Europe;

17. Commends the role of the Council of Europe with regard to the electoral process in Kosovo, Federal Republic of Yugoslavia, in preparation for the municipal elections which were held on 26 October 2002;

18. Welcomes the substantial contribution of the Council of Europe to the Stability Pact for South-Eastern Europe, in particular in the fields of democratization, local democracy, human rights and the rule of law, as well as cross-border cooperation and the fight against corruption, organized crime and money-laundering;

19. Commends the wide-ranging efforts of the Council of Europe to foster peace and stability in South-Eastern Europe;

20. Welcomes the Vilnius Declaration on Regional Cooperation and the Consolidation of Democratic Stability in Greater Europe, adopted by the Committee of Ministers of the Council of Europe on 3 May 2002, and the efforts of the Council to promote cooperation among the regional organizations, initiatives and processes in Europe and between them and the United Nations and other international organizations;

21. Commends the work of the Council of Europe in relation to the protection of national minorities, in particular the monitoring by the Committee of Ministers of the implementation of the Framework Convention for the Protection of National Minorities;

22. Reiterates its appreciation for 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;

23. Requests the Secretary-General to continue exploring, with 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;
24. Declares its intention in the provisional agenda of its fifty-ninth session to include 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-ninth session a report on cooperation between the United Nations and the Council of Europe in implementation of the present resolution.

RECORDED VOTE ON RESOLUTION 57/156:

In favour: Afghanistan, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Cambodia, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Lebanon, Lithuania, Luxembourg, Madagascar, Malta, Mauritius, Mexico, Monaco, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Senegal, Sri Lanka, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Tunisia, Turkey, Ukraine, United Kingdom, Uruguay, Venezuela, Yugoslavia, Zambia.

Against: None.

Abstaining: Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Brunei Darussalam, Burkina Faso, Burundi, Comoros, Cuba, Democratic People’s Republic of Korea, Dominica, Egypt, Ethiopia, Gambia, Ghana, Grenada, Guinea, Guyana, Haiti, India, Indonesia, Iran, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mongolia, Myanmar, Namibia, Nauru, Oman, Pakistan, Papua New Guinea, Philippines, Qatar, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Sierra Leone, Singapore, Sri Lanka, Sudan, Swaziland, Togo, Tonga, Trinidad and Tobago, Uganda, United Arab Emirates, United Republic of Tanzania, United States, Vanuatu, Yemen, Zimbabwe.

Before the vote on the text as a whole, separate recorded votes were taken to retain operative paragraphs 4 (100-0-36), 6 (71-54-32) and 12 (71-52-33).

Strengthening of security and cooperation in the Mediterranean

In response to General Assembly resolution 56/29 [YUN 2001, p. 400], the Secretary-General submitted in June [A/57/91] replies received from Algeria, Qatar and Tunisia to his note verbale of 20 February requesting the views of all Member States on ways to strengthen security and cooperation in the Mediterranean region.

GENERAL ASSEMBLY ACTION

On 22 November [meeting 57], the General Assembly, on the recommendation of the First (Disarmament and International Security) Committee [A/57/385], adopted resolution 57/99 without vote [agenda item 71].

Strengthening of security and cooperation in the Mediterranean region

The General Assembly,

Recalling its previous resolutions on the subject, including resolution 56/29 of 29 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, encourages them to strengthen ties with their European counterparts and invites all the countries of the region to contribute to the strengthening of the Mediterranean Institute for Security Studies,

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such efforts through, inter alia, a lasting multilateral and action-oriented cooperative dialogue among States of the region, and recognizes the role of the United Nations in promoting regional and international peace and security;

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

5. Call 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-eighth session the item entitled “Strengthening of security and cooperation in the Mediterranean region”.

**Stability and development in South-Eastern Europe**

On 24 June (A/57/98-S/2002/705), the Federal Republic of Yugoslavia transmitted to the Secretary-General the Joint Statement of the Ministers for Foreign Affairs of the countries of the South-East European Cooperation Process issued at their meeting on 19 June in Belgrade.

**GENERAL ASSEMBLY ACTION**

On 22 November (meeting 57), the General Assembly, on the recommendation of the First Committee (A/57/504), adopted resolution 57/52 without vote (agenda item 60).

**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 Co-operation in Europe, signed in Helsinki on 1 August 1975,

Recalling also the United Nations Millennium Declaration,


Considering the necessity of enhancing 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,

Reiterating the importance of the South-East European Cooperation Process and its contribution to security, stability and good-neighbourliness relations in South-Eastern Europe, and recalling in particular the Joint Statement issued by the Ministers for Foreign Affairs of the South-East European Cooperation Process in Belgrade on 19 June 2002,

Welcoming the progress made in the normalization of relations among all States of the Balkan region,

Reaffirming the validity of the Agreement for the delineation of the borderline between the former Yugoslav Republic of Macedonia and the Federal Republic of Yugoslavia, signed in Skopje on 23 February 2001,

Welcoming 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,

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,

Welcoming the establishment by the United Nations Development Programme and the Stability Pact for South-East Europe of the small arms clearing house in Belgrade, and affirming its support for all initiatives in the region for combating the destabilizing accumulation and spread of small arms and light weapons,

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,
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 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 1545 (2001) and 1571 (2001);
6. Recognizes the efforts made and activities undertaken in Kosovo by the United Nations and the Kosovo Force for the establishment of a multi-ethnic and stable Kosovo, thus contributing to a further improvement of the overall security situation in the region;
7. 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;
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 and the Stability Pact for South-Eastern Europe as well as other contributors in promoting the long-term process of democratic and economic development of the region;
11. Stresses the importance of enhanced regional cooperation for the development of the South-Eastern European States in the priority areas of infrastructure, transport, trade, energy and environment;
12. Also 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;
13. Further stresses 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;
14. 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 all acts of terrorism;
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, trafficking in human beings, 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-ninth session the item entitled “Maintenance of international security—good-neighbourliness, stability and development in South-Eastern Europe”: