Chapter V

Europe and the Mediterranean

The restoration of peace and stability in the post-conflict countries of the European and Mediterranean region advanced in 2008, as efforts to re-establish their institutions and social and economic infrastructure continued. However, a number of issues remained unresolved, and in some countries the peace process was seriously challenged.

The international community, led by the European Union (EU), continued to assist Bosnia and Herzegovina in moving towards full integration into Europe through the EU Stabilization and Association Process. The country in June signed the Stabilization and Association Agreement with the EU and was provided with a road map for visa liberalization. Nevertheless, nationalist rhetoric prevailed in the political scene as a result of a municipal election campaign and other developments in the region.

The United Nations Interim Administration Mission in Kosovo continued to assist in building a modern, multiethnic society. In February, Kosovo declared independence, an act followed by boycotts by Kosovo Serbs and protests in many areas in Kosovo and Serbia. In light of developments, the United Nations Mission in June launched a reconfiguration process. In October, acting on a Serbian proposal, the General Assembly requested the International Court of Justice for an advisory opinion on whether Kosovo’s unilateral declaration of independence was in accordance with international law.

Renewed efforts to end the stalemate in the Georgian-Abkhaz peace process were threatened in August by the war in South Ossetia and by the Georgian-Russian conflict. The recognition of Abkhazia and South Ossetia by the Russian Federation further increased tensions. Georgia withdrew from the 1994 Agreement on a Ceasefire and Separation of Forces (Moscow Agreement), and the Collective Peacekeeping Force of the Commonwealth of Independent States was officially terminated, substantially changing the context in which the United Nations Observer Mission in Georgia operated.

No progress was made towards settling the conflict between Armenia and Azerbaijan over the occupied Nagorny Karabakh region in Azerbaijan. In March, acting on a proposal by Azerbaijan, the General Assembly called for the withdrawal of Armenian forces from Azerbaijan.

The situation in Cyprus appeared to improve, and UN efforts focused on assisting the two sides in implementing the 8 July 2006 Agreement. Full-fledged negotiations between the Greek Cypriot and Turkish Cypriot sides were launched in September under UN auspices. The United Nations Peacekeeping Force in Cyprus continued to cooperate with the two communities, facilitating projects benefiting Greek and Turkish Cypriots in the buffer zone and advancing the goal of restoring normal conditions and humanitarian functions on the island.

Bosnia and Herzegovina

During 2008, the European Union (EU) continued to lead the international community’s efforts in assisting 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 the 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, pp. 544 & 551]. The Office of the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina (OHR) was responsible for the Agreement’s civilian aspects [YUN 1996, p. 293], while the European Union Police Mission in Bosnia and Herzegovina (EUPM) was responsible for helping develop sustainable policing arrangements. The EU Force (EUFOR) mission was responsible for the Agreement’s military aspects, which were transferred to it by the North Atlantic Treaty Organization (NATO) in 2004 [YUN 2004, p. 401]. The Peace Implementation Council (PIC) and its Steering Board continued to monitor and facilitate the Agreement’s implementation.

The High Representative reported on progress made in the Agreement’s implementation and related political developments during the year in the context of his mission implementation plan, which set out a number of core tasks to be accomplished [YUN 2003, p. 401]. Bosnia and Herzegovina made progress on its European integration path when two police reform laws were adopted in April, opening the way for the signature of the Stabilization and Association Agreement in June. In addition, the European Commission released a road map for visa liberalization. Several processes dominated the political landscape, such as
the run-up to the municipal elections held in October and the transition from OHR to a reinforced EU engagement. In November, leaders of three political parties signed the Prud Agreement addressing key issues in the country. The police services improved their capacity to maintain public peace and order, including in complex situations such as the commemoration ceremonies in Srebrenica and eastern Bosnia and the aftermath of the arrest of Radovan Karadžić, a fugitive from the International Criminal Tribunal for the former Yugoslavia (ICTY).

In November, the Security Council extended by one year the mandate of EUPOL. The Council welcomed the decision of NATO to continue to maintain the headquarters in Bosnia and Herzegovina so that it could work with EUFOR to help implement the 1995 Peace Agreement. In addition, the Council reiterated that the primary responsibility for implementing the Peace Agreement lay with the authorities in Bosnia and Herzegovina, and underlined the need for their full cooperation with ICTY and for strengthening joint institutions.

Implementation of Peace Agreement

Civilian aspects

The civilian aspects of the 1995 Peace Agreement entailed a broad range of activities, including the provision of humanitarian aid and resources for infrastructure rehabilitation, the establishment of political and constitutional institutions, the promotion of respect for human rights and the holding of free and fair elections. The High Representative, who chaired the PIC Steering Board and other key implementation bodies, was the final authority with regard to implementing the civilian aspects of the Peace Agreement [YUN 1995, p. 547]. The reports on EUHM activities were submitted by the High Representative to the Security Council through the Secretary-General.

Office of High Representative

Reports of High Representative. The High Representative, Miroslav Lajčák (Slovakia), reported to the Security Council, through the Secretary-General, on the peace implementation process for the periods 1 October 2007 to 31 March 2008 [S/2008/300], 1 April to 31 October 2008 [S/2008/705], and 1 November to 30 April 2009.

The Council considered the High Representative’s reports on 19 May and 5 December.


In 2008, the PIC Steering Board determined that OHR should remain in place until the authorities fulfilled five objectives and two general conditions.

Mission implementation plan

The High Representative, briefing the Security Council on 19 May [meeting 5894] when it considered his report covering the latter half of 2007 [YUN 2007, p. 390] and the first quarter of 2008, said that the situation had improved considerably as Bosnia and Herzegovina had taken a significant step towards stabilizing the political situation by adopting two police reform laws. The country was on the verge of signing a Stabilization and Association Agreement with the EU and moving towards membership in NATO. The PIC Steering Board in February had reached a consensus on a set of five objectives and two conditions, the fulfilment of which would end the High Representative’s tenure and trigger a transition to an EU Special Representative.

However, following Kosovo’s unilateral declaration of independence in February (see p. 436), the leadership of the Republika Srpska had linked its future status with that of Kosovo. The entity’s ruling Alliance of Independent Social Democrats (SNSD) had called for the transformation of Bosnia and Herzegovina into an asymmetric federation or confederation, claiming the right to self-determination for the Republika Srpska. The High Representative had responded by stressing that Bosnia and Herzegovina was an internationally recognized State whose sovereignty and territorial integrity were guaranteed by the Dayton Peace Agreement [YUN 1995, p. 544 & 551] and from which there was no right to secede.

During the year, Bosnia and Herzegovina made important progress on the reforms required for it to integrate into Euro-Atlantic institutions. An agreement in March among the State and entity governments on moveable defence property resulted in securing intensified dialogue towards a membership action plan at the NATO summit in Bucharest in April. Two long-awaited police reform laws were adopted in April and came into force on 14 May, opening the way for signing a Stabilization and Association Agreement and an Interim Agreement with the EU on 16 June. As part of an overall programme for Western Balkan countries, the European Commission provided Bosnia and Herzegovina with a road map for visa liberalization that contained requirements in the fields of document security, illegal migration, public order and security, and external relations.

The conjunction of continuing domestic political stalemate with mounting regional uncertainty in the run-up to and immediate aftermath of Kosovo’s declaration of independence made it impossible for the PIC Steering Board to confirm the closure of OHR in June. At a meeting of 26–27 February, the Steering Board determined that the Office should remain in place and continue to carry out its mandate under the Dayton Peace Agreement until such time as the
domestic authorities fulfilled five objectives (resolution of State property, resolution of defence property, completion of the Brčko Final Award, fiscal sustainability, entrenchment of the rule of law) and two general conditions (signing of the Stabilization and Association Agreement and a positive assessment of the situation by the Steering Board). The Steering Board recognized the progress made by the authorities in delivering the objectives and conditions at its meetings of 24–25 June and 19–20 November. However, concerns remained regarding the prevailing political situation, including challenges to the country’s sovereignty, territorial integrity and constitutional order.

The arrest of ICTY fugitive Radovan Karadžić in July resulted in a worsening political climate following statements and actions of both Serb and Bosniak political leaders, although reactions to the arrest did not affect the security situation.

On 8 November, the leader of SNSD, Milorad Dodik, that of the Party of Democratic Action (SDA), Sulejman Tihić, and that of the Croatian Democratic Union of Bosnia and Herzegovina (HDZ BiH), Dragan Čović, signed the Prud Agreement, which addressed constitutional reform; resolution of the State property objective for the transition from OHR to the EU; special representative; implementation of annex 7 of the Dayton Peace Agreement in connection with the organizing of a census; a constitutional solution for Brčko’s access to the Bosnia and Herzegovina Constitutional Court; and Bosnia and Herzegovina Fiscal Council and budget issues. The agreement reflected an apparent willingness to make progress on important political issues.

Briefing the Council on 5 December [meeting 6033], the High Representative cautioned that negative and nationalist rhetoric threatened to dampen fresh momentum in Bosnia and Herzegovina’s journey towards the EU, just months after its milestone signing of the Stabilization and Association Agreement. Despite signs of progress, notably an 8 November agreement among three major Bosnian parties on key issues, nationalist and ethnic agendas prevailed over the Euro-Atlantic agenda. Hence, the 16 June signing of the Agreement, progress towards visa liberalization with the EU and a decision by NATO to begin membership dialogue had not delivered the change in approach needed. Challenges had come from all sides. The negative political climate hindered progress on delivering the five objectives and two conditions set out by PIC to allow for the closure of OHR and transition to a stronger EU engagement. Stressing the need for continued international attention to Bosnia and Herzegovina, the High Representative said that it would be important to recognize the recent, more positive atmosphere and build on the emerging readiness to compromise.

Civil affairs

The High Representative, in his November report [S/2008/705], noted that the October municipal election campaign had provided for a further hardening of positions on all sides and that nationalist rhetoric continued to dominate politics at all levels. The Republika Srpska National Assembly on 21 February adopted a resolution condeming Kosovo’s unilateral declaration of independence and demanding that Bosnia and Herzegovina not recognize it. It went on to state that the Republika Srpska “would consider that it too possessed the right to establish its future legal status by means of a referendum”. The High Representative reacted immediately and stressed that entities of Bosnia and Herzegovina had no right to secede.

In that political environment, the six parties in the coalition at the State level met on 23 August and were unable to make any headway on the reform agenda. A Serbian Democratic Party initiative on an ethnically based census was defeated in the House of Peoples of Bosnia and Herzegovina on 27 October. In September, President Haris Silajdžić gave speeches to the UN General Assembly and to the Parliamentary Assembly of the Council of Europe—which had not been cleared with the other two members of the Bosnia and Herzegovina Presidency—which caused controversy in the Republika Srpska, as they emphasized the genocide committed in Srebrenica in 1995 [YUN 1995, p. 530].

Despite the negative political atmosphere, amendments to the Election Law of Bosnia and Herzegovina were adopted in May, which allowed all who were residents in Srebrenica in 1991 to have the option of casting votes in its 2008 municipal elections only, irrespective of their displaced person status.

Little progress was made towards reaching an agreement on immovable defence property that would continue to serve defence purposes. To invigorate the process, the NATO Headquarters in Sarajevo in July developed a concept paper outlining the key issues that should be regulated by a transfer agreement on immovable property. Overall, Bosnia and Herzegovina worked hard to achieve progress within the NATO Partnership for Peace Programme. However, the lack of staff capacity in ministries had begun to impose friction on the country’s hitherto rapid progress through the various stages of the Programme.

Successful implementation of the Mostar Statute hinged on a delicate balance of power between the main national parties, SDA and HDZ Bosnia and Herzegovina. The issue of financing the Croat-dominated Herzegovina Radio-Television, which the city of Mostar wrote off its own books in 2007, and the appointment of a Bosniak candidate as Police Commissioner were resolved. A Police Commissioner
was appointed immediately after the local elections on 9 October, and on 29 October the Federation government passed a decision allocating €150,000 (€75,000 each) to Hercegovačka Radio-Television and Radio Herceg Bosna. While developments within the Brčko District, with the exception of implementation of the 2008 elections results, were nearing the point where closure of Supervision was possible, a key issue remained unresolved. The provision of guarantees for the status of the District through modest additions to the Constitution of Bosnia and Herzegovina reached a stalemate when the Party for Democratic Progress and HDZ 1990 decided to support a law to the exclusion of the constitutional additions required by the Supervisor.

The combined efforts of OHR, NATO, EUFOR, ICTY, the Bosnia and Herzegovina Intelligence and Security Agency and the Republika Srpska police, all of which contributed to locating fugitives Stojan Župlijanin and Radovan Karadžić, were critically facilitated by the various sanctions of OHR, the EU and the United States, as well as the sanctions of Bosnia and Herzegovina against members of the Persons Indicted for War Crimes support network. ICTY fugitives Goran Hadžić and Ratko Mladić remained a priority for OHR.

Judicial reform

The main development in 2008 was the decision in February of the PIC Steering Board’s Political Directors to single out “entrenchment of the rule of law” as one of the objectives to be delivered before the transition from OHR to the EU Special Representative could be effected. PIC underscored the need to demonstrate this entrenchment through the adoption of a national war crimes strategy, the law on aliens and asylum, and a national justice sector reform strategy. Progress on that objective was achieved despite attempts by political leaders elsewhere to undermine the independence of the judiciary and the mandate of State law-enforcement agencies. Positive outcomes were achieved with the adoption of the Law on Stay and Movement of Aliens and Asylum in April and of the National Justice Sector Reform Strategy in June, which addressed the key elements of a functional justice sector. The National War Crimes Strategy was adopted on 29 December and the implementation action plans of the National Justice Sector Reform Strategy were endorsed in December. The Strategy set criteria for distributing cases between the Bosnia and Herzegovina and entity judiciaries; reflected work done on cataloguing crime events; recognized the need for resources and legislative amendments; stressed the importance of regional cooperation in war crimes investigations; and called upon the authorities to improve that cooperation.

Economic reforms

The Bosnia and Herzegovina Fiscal Council—aimed at facilitating better coordination between the State and the entities on fiscal policies—was established on 23 July, and held its first meeting on 11 September. A major step towards creating a single pharmaceutical market was taken in June with the adoption of the Law on Pharmaceuticals and Medical Devices. The energy sector faced a challenge when the Republika Srpska Government on 11 September announced its unilateral withdrawal from the Electricity Transmission Company—the cornerstone of Bosnia and Herzegovina’s energy sector reform. The Federation enacted a Law on Profit Tax, which was in harmony with its Republika Srpska equivalent and would prevent double taxation, and a new Law on Income Tax.

Public administration reform

Progress in public administration reform was limited and uneven, and dogged by persistent political disagreements and lack of progress on constitutional reform. The Federation and the Republika Srpska Governments proposed amendments to the law on the civil service that would change the status of civil servants and run contrary to the public administration reform strategy in Bosnia and Herzegovina, which was adopted by all levels of government in 2006 [YUN 2006, p. 456]. In effect, those proposed changes would make civil servants political appointees, opening the door to nepotism and political influence in both entities. OHR and the European Commission reacted to those draft laws.

Media development

The reform of the public broadcasting system was achieved with the adoption on 26 July of the Federation’s public broadcasting framework law. It followed a ruling on 10 June by the Federation Constitutional Court that the law did not violate the vital national interest of the Croat people [YUN 2006, p. 456]. Croat political representatives continued to press for a channel that would broadcast exclusively in Croatian, and the Croat caucus in the Bosnia and Herzegovina House of Peoples succeeded in having an initiative adopted that tasked the Council of Ministers to look into the matter.

The independence of the Communications Regulatory Agency continued to be challenged. On 15 October, the Republika Srpska National Assembly adopted a declaration claiming that the Agency was, for the second year in a row, being run by an illegal body. The appointment of a new director of the Agency continued to be blocked by the ruling coalition, which, through its representatives in the Council of Ministers, continued to fail to appoint a new Director.
encouraged political actors to challenge the legality of the decisions of the Agency.

Relations with other countries

The issue of Kosovo’s future status featured prominently in the country’s political discourse. The countdown to a unilateral declaration of independence in February exacerbated rhetoric and concern on the part of Bosnia and Herzegovina’s Serbs, who shared the general Serb identification of Kosovo with their faith, culture and nationhood, albeit to a lesser degree than in Serbia proper. The Prime Minister of the Republika Srpska, Milorad Dodik, took part in many manifestations of Serb solidarity over Kosovo, but argued that its fate should not cause disturbances in Bosnia and Herzegovina; he did not support the more extreme manifestations of Serb anger over Kosovo’s declaration of independence and its recognition by many countries. Demonstrations against Kosovo’s independence in the Republika Srpska were relatively small.

The border-definition issues with Croatia and Serbia remained unresolved, as well as the problem of Croatia’s plan to build a bridge, bypassing the small slice of Adriatic coastline of Bosnia and Herzegovina, between the mainland and the Pelješac peninsula, possibly impairing Bosnia and Herzegovina’s access to the sea. Inadequacies in judicial cooperation among Bosnia and Herzegovina, Croatia, Montenegro and Serbia, particularly over war crimes prosecutions, also remained.

SECURITY COUNCIL ACTION

On 20 November [meeting 6021], the Security Council unanimously adopted resolution 1845(2008). The draft [S/2008/720] was submitted by Belgium, Croatia, France, Italy, the Russian Federation, the United Kingdom and the United States.

The Security Council,


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

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

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

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

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

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

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

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

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

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

Taking note of the reports of the High Representative, including his latest report of 10 November 2008,

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

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

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

Taking note of the conclusions of the Ministers for Foreign Affairs and Ministers of Defence of the European Union at their joint meeting, held on 14 May 2007, in which they reiterate that the European Union would retain a military presence in the country as long as necessary, in order to continue contributing to the maintenance of a safe and secure environment, and the conclusions of the Ministers for Foreign Affairs and Ministers of Defence of the European Union at their joint meeting, held on 10 November 2008,
Recalling the letters between the European Union and the North Atlantic Treaty Organization sent to the Security Council on 19 November 2004 on how those organizations will cooperate together in Bosnia and Herzegovina, in which both organizations recognize that the European Union Force will have the main peace stabilization role under the military aspects of the Peace Agreement.

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

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

Reiterating once again its calls upon the authorities in Bosnia and Herzegovina to implement in full their undertakings, as also confirmed in the declaration by the Steering Board of the Peace Implementation Council of 27 February 2008,

Noting that the signing of the Stabilization and Association Agreement marked a fundamental step forward in the relationship between Bosnia and Herzegovina and the European Union, and calling upon the authorities in Bosnia and Herzegovina to shoulder their responsibilities and renew their efforts in this regard,

Noting with satisfaction the agreement between the leaders of three of the main parties in Bosnia and Herzegovina reached on 8 November 2008, calling for these proposals to be rapidly put into concrete form in close cooperation with the High Representative and the Steering Board of the Peace Implementation Council, and inviting Bosnian political forces to unite around this project,

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

Acting under Chapter VII of the Charter,

1. Reaffirms once again its support for the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the “Peace Agreement”), as well as for the Dayton Agreement on Implementing the Federation of Bosnia and Herzegovina of 10 November 1995, and calls upon the parties to comply strictly with their obligations under those Agreements;

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

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

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

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

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

7. Recalls the support of the authorities of Bosnia and Herzegovina for the European Union Force and the continued North Atlantic Treaty Organization presence and their confirmation that both are the legal successors to the Stabilization Force for the fulfilment of their missions for the purposes of the Peace Agreement, its annexes and appendices and relevant Security Council resolutions and can take such actions as are required, including the use of force, to ensure compliance with annexes 1-A and 2 of the Peace Agreement and relevant Council resolutions;

8. Pays tribute to those Member States which participated in the multinational stabilization force (the European Union Force), and in the continued North Atlantic Treaty Organization presence, established in accordance with its resolution 1575(2004) and extended by its resolutions 1639(2005), 1722(2006) and 1785(2007), and welcomes their willingness to assist the parties to the Peace Agreement by continuing to deploy a multinational stabilization force (the European Union Force) and by maintaining a continued North Atlantic Treaty Organization presence;

9. Welcomes the intention of the European Union to maintain a European Union military operation to Bosnia and Herzegovina from November 2008;
10. **Authorizes** the Member States acting through or in cooperation with the European Union to establish for a further period of twelve months, starting from the date of the adoption of the present resolution, a multinational stabilization force (the European Union Force) as a legal successor to the Stabilization Force under unified command and control, which will fulfill its missions in relation to the implementation of annexes 1-A and 2 of the Peace Agreement in cooperation with the North Atlantic Treaty Organization and the European Union as communicated to the Security Council in their letters of 19 November 2004, which recognize that the European Union Force will have the main peace stabilization role under the military aspects of the Peace Agreement;

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

12. **Reaffirms** that the Peace Agreement and the provisions of its previous relevant resolutions shall apply to and in respect of both the European Union Force and the North Atlantic Treaty Organization presence as they have applied to and in respect of the Stabilization Force and that, therefore, references in the Peace Agreement, in particular in annex 1-A and the appendices thereto, and in relevant resolutions to the Implementation Force and/or the Stabilization Force, the North Atlantic Treaty Organization and the North Atlantic Council shall be read as applying, as appropriate, to the North Atlantic Treaty Organization presence, the European Union Force, the European Union and the Political and Security Committee and Council of the European Union respectively;

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

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

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

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

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

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

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

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

21. **Requests** the Secretary-General to continue to submit to the Council reports from the High Representative, in accordance with annex 10 of the Peace Agreement and the conclusions of the Peace Implementation Conference held in London on 4 and 5 December 1996, and later Peace Implementation Conferences, on the implementation of the Peace Agreement and, in particular, on compliance by the parties with their commitments under that Agreement;

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

---

**European Union missions in Bosnia and Herzegovina**

**EUPM**

**Report of EU Secretary-General.** As requested by the Security Council in presidential statement S/PRST/2002/33 [YUN 2002, p. 363], the EU High Representative for the Common Foreign and Security Policy and Secretary-General of the EU Council, Javier Solana, reported to the Security Council through the UN Secretary-General on the activities of the European Union Police Mission (EUPM).
The report [S/2008/732], covering the period from April to September, stated that the Mission’s progress in support of police restructuring and police reform had been consistent. The Mission continued to advise the harmonization and development of the legislation to reform the police bodies in the entities, cantons and Brčko District.

Although considerable achievements had been made since the launch of Eupm in 2003 [YUN 2003, p. 399], effective results in the fight against organized crime and in the establishment of key State law-enforcement agencies such as the Border Police or the State Investigation and Protection Agency (SIPA) were long-term endeavours. The recent arrests of prominent figures allegedly involved in organized crime represented, however, a significant breakthrough.

The report stressed the need for implementing the two police reform laws. Eupm was advising and monitoring implementation and was acting as a facilitator to overcome technical difficulties and different views among local stakeholders about the scope of the reform. The Mission would continue to focus on a concrete operational approach, and continue to reach out to the judiciary and, in particular, to prosecutors to improve cooperation between police forces and the prosecutors’ offices. It would also assist the authorities in harmonizing the police legislation and in implementing the integrated border management strategy.

At the end of September, the Mission numbered 418 staff (167 international police officers, 30 international civilian experts and 221 national staff). All 27 EU Member States as well as six non-EU countries contributed to Eupm. On 1 November, Brigadier General Stefan Feller (Germany) succeeded Brigadier General Vincenzo Coppola (Italy) as Head of Mission/Police Commissioner.

**Police restructuring**

Police restructuring efforts included the implementation of two police reform laws (the Law on the Directorate for Coordination of Police Bodies and Agencies for Support of Police Structure, and the Law on Independent and Supervisory Bodies of Police Structure), which came into force on 14 May. With their adoption, four new coordination and support institutions and three supervisory and oversight bodies would be established at the State level. The Ministry of Security had established the Selection Commission in charge of choosing the Directors and the Deputy Directors of the Agency for Police Support, the Agency for Education and the Agency for Forensic Examinations and Expertise. The Ministry in July also established the Commission for Harmonization to align relevant laws with the two new police reform laws. Eupm participated in its work and followed related developments. The Parliamentary Assembly appointed the ad hoc Joint Commission for conducting the procedure for appointing the Independent Board and the Public Complaints Board. However, the Commission failed to complete its task by the set deadline of 14 August and asked for EUPM assistance in drafting the necessary decisions and fulfilling its task.

The police reform laws were of crucial importance in prompting a review of the SIPA structure and functioning, which led to amending the SIPA Law and establishing a commission to streamline the structure. Eupm provided assistance in building up the Border Police by advising it on implementing the integrated border management strategy. Eupm also provided technical assistance to the Ministries of Security and Finance in harmonizing the Law on Salaries with police-related legislation. Eupm was assisting in drafting the Law on Police Officials and the Law on Internal Affairs of the Republika Srpska; in the Brčko District it assisted local authorities in drafting the District Law on Police. It also assisted cantonal authorities in finalizing the cantonal Law on Internal Affairs. In support of the fight against organized crime, Eupm advised on specific cases and provided advice on institution building.

In April, an agreement to enhance mechanisms of cooperation between the police and prosecutors’ offices was signed. From May to July, the Mission organized media workshops for prosecutors, helping them enhance their skills in communicating with the public on organized crime.

**EUFOR**

The EU Force (EUFOR) mission in Bosnia and Herzegovina executed the military aspects of the Peace Agreement specified in annexes I-A and 2, which were transferred to it by NATO in 2004 [YUN 2004, p. 401]. Its 2008 activities were described in five reports, covering the periods from 1 December 2007 to 29 February 2008 [S/2008/242], 1 March to 31 May [S/2008/413], 1 June to 31 August [S/2008/838], 1 September to 30 November [S/2009/44] and 1 December 2008 to 28 February 2009 [S/2009/418], submitted by the EU High Representative for the Common Foreign and Security Policy and Secretary-General of the EU Council, in accordance with various UN Security Council resolutions.

As at 30 November, the force of some 2,200 EUFOR troops was concentrated in Sarajevo, with liaison and observation teams deployed throughout Bosnia and Herzegovina. EUFOR continued to provide deterrence, ensure compliance in relation to the responsibilities specified in the Peace Agreement, and contribute to maintaining a safe and secure environment. It provided support to law-enforcement agencies in fighting organized crime, in close cooperation with the EU Police Mission, and to ICTY in the search for persons indicted for war crimes.
In July, EUFOR and Bosnia and Herzegovina’s Ministry of Defence signed a memorandum of understanding covering the participation of the Armed Forces of Bosnia and Herzegovina (AFBiH) in EUFOR exercises. EUFOR continued to assist and support AFBiH with planning for the disposal of surplus arms and ammunition.

The EU Council reviewed the operation on 10 November and highlighted the decisive progress made towards accomplishing its mandate. The Council considered that the preparatory work for a possible development of the operation should be continued, taking into account the future role of the EU Special Representative and political developments.

**Serbia**

The Kosovo province of Serbia continued to receive UN assistance in 2008 in building a multi-ethnic society. The United Nations Interim Administration Mission in Kosovo (UNMIK), together with the Kosovo leadership, led efforts to strengthen the Provisional Institutions of Self-Government, mainly the Kosovo Assembly and the Kosovo Government, and to transfer authority to those institutions, in line with the 2001 Constitutional Framework for Provisional Self-Government [YUN 2001, p. 352]. UNMIK also monitored progress in achieving the standards set out in the 2003 “standards for Kosovo” document [YUN 2003, p. 420], by which Kosovo was expected to develop stable democratic institutions under UNMIK administration before any decision could be made on its future status. However, on 17 February the Assembly of Kosovo adopted a “declaration of independence” declaring Kosovo an independent and sovereign state. This led to condemnation by the Serbian authorities, boycott of Kosovo institutions by Kosovo Serbs and protests in several areas in Kosovo and in Serbia. Some of the protests turned violent, but the overall security situation in Kosovo remained calm.

On 12 June the Secretary-General, in letters addressed to Boris Tadić, President of Serbia, and Fatmir Sejdiu, President of Kosovo, outlined plans to reconfigure UNMIK and the broader international civil presence in Kosovo. The letters also confirmed that the position of the United Nations on Kosovo status was of status neutrality, and detailed the commitment to a dialogue with Serbia in six areas: police, courts, boundary management, Serbian patrimony, transport and infrastructure, and Customs. Kosovo’s Constitution, which did not envisage a real role for UNMIK and did not contain a reference to resolution 1244(1999) [YUN 1999, p. 353], came into force in June and was rejected by Kosovo Serbs.

In June, Lamberto Zannier was appointed as Special Representative for Kosovo and Head of UNMIK, succeeding Joachim Rücker, and a few days later the start of UNMIK’s reconfiguration was formally announced. The Special Representative facilitated preparations for the EU to undertake an operational role in Kosovo in the rule-of-law area, under the framework of resolution 1244(1999) and the overall authority of the United Nations.

In October, the General Assembly, by resolution 63/3 (see p. 1404), requested an advisory opinion from the International Court of Justice on whether the unilateral declaration of independence of Kosovo was in accordance with international law.

**Situation in Kosovo**

**Security Council consideration (January).** On 16 January [meeting 5821], the President of Serbia, Boris Tadić, told the Security Council that despite enormous efforts by the Serbian negotiating team to reach a compromise, four months of negotiations led by the international mediating troika—the EU, the Russian Federation and the United States—had failed to yield results. Serbia and its people had suffered from the tragic mistakes of the past regime: they should not be punished again because of a flawed policy of a bad regime almost a decade ago. The parties should make every effort to resolve the misunderstandings and conflicts peacefully and by agreement alone, not by making unilateral moves. Unilateral recognition of Kosovo’s independence would no doubt be a precedent. No one had the right to destabilize Serbia and the Balkans through hasty decisions, which would have unforeseeable consequences for other regions fraught with problems of ethnic separatism. The UN Charter guaranteed the principle of respect for the sovereignty and territorial integrity of internationally recognized States, and Serbia was such a State.

Following his statement, Council members continued their discussion in a private meeting [meeting 5822], during which President Tadić, the Secretary-General’s Special Representative for Kosovo, Joachim Rücker, and the Kosovo Prime Minister, Hashim Thaçi, had an exchange of views.

**Communication.** In January [S/2008/7], Serbia forwarded to the Security Council its comments on the Secretary-General’s report on UNMIK [YUN 2007, p. 403] covering the period from 1 September to 15 December 2007.

**Security Council consideration (February).** On 12 February [S/2008/92], Serbia requested an urgent meeting of the Security Council to consider an extremely grave situation in the Serbian province of Kosovo and Metohija, where the final preparations were taking place for a unilateral declaration of in-
dependence by the Provisional Institutions of Self-Government, which would constitute a violation of Security Council resolution 1244(1999) and Serbia's territorial integrity, and would endanger the maintenance of international peace and security. Also on 12 February [S/2008/93], the Russian Federation supported Serbia's request.

On 14 February [meeting 5835], the Council held a closed meeting, during which Council Members and Serbia’s Minister for Foreign Affairs, Vuk Jeremić, had an exchange of views.

On 17 February [A/62/703-S/2008/111], Serbia informed the Secretary-General that on that day the Provisional Institutions of Self-Government of its southern province of Kosovo and Metohija had unilaterally declared independence, in violation of Security Council resolution 1244(1999). In the wake of that attempt to establish a fait accompli, Serbia had adopted a Decision to abrogate the unilateral secessionist acts and activities of the Provisional Institutions. Serbia demanded that the Special Representative take all necessary measures, in accordance with resolution 1244(1999) and other Council decisions, as he had on previous occasions, to abrogate all acts and actions by which unilateral independence had been declared. Serbia called upon the Secretary-General to ensure that his Special Representative exercised his powers and responsibilities by declaring that act null and void and dissolve the Assembly of Kosovo, since its “declaration of independence” was not in conformity with the resolution. By its Decision, Serbia had also requested that the Security Council declare that unilateral act legally invalid. It demanded that the Council call for the continuation of the political process leading towards a solution. Finally, Serbia demanded that all Members States respect Serbia’s sovereignty and territorial integrity and thereby reject the so-called independence of Kosovo and Metohija.

Also on 17 February [S/2008/103], Serbia requested an emergency meeting of the Security Council to consider the unilateral declaration of independence. Supporting that request [S/2008/104], the Russian Federation on the same day requested that a meeting be convened on 18 February, in view of the dangerous situation with grave, damaging consequences for peace and security in the Balkans.

Addressing the Council on 18 February [meeting 5839], the Secretary-General stressed the need to ensure the stability of Kosovo and the safety and security of its population, in particular the minority communities. He urged all to refrain from any actions or statements that could endanger peace, incite violence or jeopardize security in Kosovo and the region, adding that his efforts, and those of his Special Representative, were aimed at ensuring that the situation in Kosovo and in the wider region remained stable, and that the population of Kosovo was protected. Pending guidance from the Security Council, UNMIK would continue to carry out its mandate under Council resolution 1244(1999).

Serbian President Tadić requested the Secretary-General to instruct his Special Representative to declare Kosovo’s “unilateral and illegal” declaration of independence “null and void”. The action by the Kosovo Provisional Institutions violated resolution 1244(1999), which reaffirmed Serbia’s sovereignty and territorial integrity, including Kosovo and Metohija. He requested the Security Council to ensure that the provisions of that resolution were fully respected. Serbia would never recognize the independence of Kosovo, would never renounce Kosovo and would not give up the struggle for its legitimate interests. For the citizens of Serbia and its institutions, Kosovo would forever remain a part of Serbia.

Supporting Serbia’s call, Russia emphasized that the actions by the Kosovo Albanian leadership and those who supported them set a dangerous precedent and might lead to an escalation of tensions and inter-ethnic violence in the province. A durable solution to the Kosovo status issue could be achieved only on the basis of a decision to be worked out with the Security Council taking the leading role, a decision in line with the norms of international law and based on agreements between Belgrade and Pristina.

China expressed concern over the unilateral declaration of independence and hoped that the EU would take into account not only the interests of Serbia and Kosovo, but also the concerns of other countries in the region. More important, it needed to pay attention to and uphold the role of the Security Council in resolving the issue. The Council should encourage Serbia and Kosovo to continue their pursuit of a mutually acceptable solution through political and diplomatic means.

Meanwhile, several Council members indicated their support for the “new state”, including Belgium, France, Italy, the United Kingdom and the United States. The United Kingdom noted that it was not ideal for Kosovo to become independent without the consent of Serbia and without consensus in the Council. However, the unique circumstances of the violent break-up of the former Yugoslavia and the unprecedented UN administration of Kosovo made that a sui generis case, which created no wider precedent. The United States noted that Kosovo’s independence was a culmination of a long and unique process. Intensive efforts to settle the final status of Kosovo had left no stone unturned, but the parties had been unable to reach agreement. Kosovo’s declaration of independence was a logical, legitimate and legal response to the situation at hand, and fully consistent with resolution 1244(1999). The people of Kosovo had decided to
bring the issue to a close, and had done so in a mature, non-violent and responsible manner.

**Communication.** On 18 February [S/2008/106], the Secretary-General transmitted to the Security Council a letter from Javier Solana, EU High Representative for the Common Foreign and Security Policy, informing him that on 4 February the EU Council had decided to deploy a rule-of-law mission in Kosovo. The mission sought to maintain an international civilian presence, within the framework of resolution 1244(1999), and to contribute to the maintenance of regional peace and security. At the same time, the EU had appointed Pieter Feith (the Netherlands) as its Special Representative in Kosovo to coordinate EU activities on the ground.

**Press statement.** On 21 February, the Security Council condemned that day’s mob attacks against embassies in Belgrade, which—amid protests over the decision by the Assembly of Kosovo to declare independence from Serbia—had resulted in damage to embassy premises and had endangered diplomatic personnel. In a press statement [SC/9260], the Council recalled the fundamental principle of the inviolability of diplomatic missions and the obligations on host Governments, including under the 1961 Vienna Convention on Diplomatic Relations, to protect embassy premises. It welcomed the steps taken by the Serbian authorities to restore order and protect diplomatic property and personnel.

**Security Council consideration (March).** On 6 March [S/2008/162], Serbia requested an urgent meeting of the Security Council to consider the aggravation of the situation concerning the Serbian province of Kosovo and Metohija owing to the unilateral declaration of independence by the Provisional Institutions of Self-Government and the subsequent recognition of that act by some Member States in alleged violation of Serbia’s sovereignty and territorial integrity, as well as of the provisions of resolution 1244(1999).

At the Council meeting of 11 March [meeting 5850], Serbia’s Foreign Affairs Minister Jeremić said that the situation on the ground had deteriorated since 17 February. Those 20 or so countries that had furthered the secessionist cause of the Kosovo Albanians had made the international system more unstable, more insecure and more unpredictable. Recognizing the unilateral declaration of Kosovo’s independence legitimized the act of unilateral secession by a provincial non-State actor, transformed the right to self-determination into an avowed right to independence and legitimized the forced partition of sovereign States. Stressing that Serbia would never recognize Kosovo’s unilateral secession, he called for resolution 1244(1999) to be observed in full. There must be no erosion of the mandate of UNMIK, and no further transfers of competencies from UNMIK to any other body. Serbia wished no ill to the ethnic Albanians in its southern province and took seriously their right to obtain substantial self-governance while remaining under a common sovereign roof. Serbia was committed to open dialogue and good-faith negotiations. It was in Serbia’s vital interest that all of Kosovo’s communities prosper together in peace, security and reconciliation.

Council members subsequently went into informal consultations on the issue.

**Report of Secretary-General (March).** Reporting in March [S/2008/211], the Secretary-General said that following mayoral and municipal elections in 2007 [YUN 2007, p. 404], the Assembly of Kosovo on 9 January elected its President and members of its Presidency, and re-elected Fatmir Sejdiu as President of Kosovo. A new coalition government was formed by the Democratic Party of Kosovo and the Democratic League of Kosovo, led by Prime Minister Thaçi. Six out of 10 Kosovo Serb members of the Assembly took the oath of office.

The Assembly on 17 February adopted a “declaration of independence”, declaring Kosovo an independent and sovereign State. The declaration received the support of 109 of the 120 members of the Assembly; the 10 Kosovo Serb members did not attend. The declaration stated that Kosovo fully accepted the obligations of the Comprehensive Proposal for the Kosovo Status Settlement [YUN 2007, p. 399], and pledged that Kosovo would adhere to resolution 1244(1999) and would work constructively with the United Nations. The Secretary-General immediately drew that development to the attention of the Security Council and reaffirmed that, pending guidance from the Council, the United Nations would continue to operate on the understanding that resolution 1244(1999) remained in force, and that UNMIK would continue to implement its mandate in the light of the evolving circumstances.

Serbian President Tadić informed the Secretary-General that Serbia had adopted a decision that Kosovo’s declaration of independence represented a forceful and unilateral secession of a part of the territory of Serbia, and did not produce any legal effect either in Serbia or in the international legal order.

Kosovo Serbs protested peacefully in several areas in Kosovo, including northern Mitrovica/Mitrovica, Gračanica/Gračanica, Kamenica/Kamenica and Shitërpe/Štipc. However, some protests turned violent, particularly in northern Kosovo. The Kosovo Albanian community’s reaction had been restrained. Following the declaration of independence, Kosovo Serbs, with the support of the Serbian authorities, expanded their boycott of the institutions of Kosovo to include UNMIK Customs, the Kosovo Police Service, the judicial system, municipal administration and UNMIK Railways, but they continued to work in
municipalities where they remained a small minority. Meanwhile, leaders of Kosovo Serb political parties continued to have informal contacts with UNMIK and the Government of Kosovo.

Despite a number of serious security incidents, the overall security situation remained calm; the majority of incidents occurred in the days immediately before and after the declaration of independence. An explosion between the UNMIK-run Court and a police station in northern Mitrovicë/Mitrovica on 29 February damaged four UN vehicles. The Kosovo Serb protests against Kosovo institutions had been generally peaceful, with the exception of the burning down of UNMIK police and customs facilities at the two crossing points with Serbia on the Administrative Boundary Line in northern Kosovo.

In several Kosovo Serb areas in southern Kosovo, where operational police competencies had been transferred to the Kosovo Ministry of the Interior, Kosovo Serb police officers no longer recognized the Kosovo police chain of command and demanded to be placed under the direct command of UNMIK police officers. In northern Kosovo, where competencies had not been transferred, the situation remained unchanged.

The Secretary-General stated that the declaration of independence and subsequent events had posed significant challenges to the ability of UNMIK to exercise its administrative authority. To address those challenges, UNMIK would continue to act in a realistic and practical manner and in the light of the evolving circumstances to ensure peace and security. Pending Security Council guidance, there might be a need for UNMIK to adjust its operational deployment to developments and changes on the ground, in a manner consistent with the operational framework established under resolution 1244(1999).

Communication. On 17 April [S/2008/260], Serbia transmitted to the Security Council its comments on the Secretary-General’s report, together with comments on the technical assessment of progress in implementing the standard for Kosovo and the resolution of Serbia’s National Assembly confirming the Government’s decision on the annulment of allegedly illegitimate acts concerning the proclamation of Kosovo’s unilateral independence.

Security Council consideration (April). On 21 April [meeting 5871], the Security Council held a closed meeting on the situation in Kosovo, during which Council members, Special Representative Rücker, Serbian President Tadić and Kosovo Prime Minister Thaçi had an exchange of views.

Report of Secretary-General (June). In a special 12 June report [S/2008/354], the Secretary-General noted that the Security Council had taken no position following the 17 February declaration, and that 42 Member States had recognized the independence of Kosovo. In addition, a new reality and challenges to UNMIK authority had emerged on the ground in Kosovo Albanian majority areas. The Assembly of Kosovo on 9 April had passed a “Constitution of the Republic of Kosovo” that was scheduled to come into force on 15 June. The Constitution would effectively remove from UNMIK its powers as an interim civil administration. In that regard, the government of Kosovo had indicated that it would welcome a continued UN presence in Kosovo provided that it carried out only limited residual tasks.

The Secretary-General said that, following the entry into force of the Kosovo Constitution, UNMIK would no longer be able to perform effectively the vast majority of its tasks as an interim administration and expressed his intention to reconfigure UNMIK in order to allow the EU to enhance its operational role in Kosovo in the area of the rule of law under the framework of resolution 1244(1999) and the overall authority of the United Nations. The UN presence would carry out monitoring and reporting, facilitate arrangements for Kosovo’s engagement in international agreements and facilitate dialogue between Pristina and Belgrade on issues of practical concern.

In letters dated 12 June addressed to Presidents Tadić and Sejdiu [S/2008/354, annex I & II], the Secretary-General said that the position of the United Nations on Kosovo’s status was of a strict neutrality, and that he intended to exercise the authority vested in him by resolution 1244(1999) to reconfigure the international civil presence as set out in the report. In the letter to President Tadić, the Secretary-General said that UN engagement in dialogue with Belgrade would be in six key areas of practical mutual concern: police, the courts, customs, transportation and infrastructure, boundaries, and the Serbian patrimony.

Security Council consideration (June). On 17 June [S/2008/401], Serbia requested a meeting of the Security Council to consider the report of the Secretary-General.

Addressing the Council on 20 June [meeting 5917], the Secretary-General said that his proposal to reconfigure the UN presence in Kosovo was a practical and workable solution to a complex and difficult situation. In almost 40 years of diplomatic life, he had never encountered an issue as divisive, as delicate and as intractable. The declaration of independence, the ensuing violence, the elections organized by the Serbs and the promulgation of a new Constitution had profoundly changed the environment. Those developments had created a profoundly new reality in which UNMIK was no longer able to perform as effectively as in the past, the vast majority of its tasks as an interim administration. The EU had expressed its readiness to perform an enhanced role in the area of the rule of
law, and had put in place measures to do so. Such an enhanced role would be in the interest of the international community. His reconfiguration package was an effort in the light of new developments to try to find an operational modus vivendi to help move Kosovo a few steps back from the brink of further conflict. The package was founded on the imperative to maintain peace, security and stability in Kosovo and the region, while responding and adapting to changing circumstances on the ground.

Serbian President Tadić said that Kosovo’s unilateral declaration of independence directly contravened the UN Charter, the Helsinki Final Act and other cornerstone documents upon which the international system had been built. That was why Serbia’s National Assembly had declared Kosovo’s action—and all subsequent decisions stemming from it—null and void. The Secretary-General’s report referred to a “so-called Constitution” intended to implement the Ahtisaari Proposal [YUN 2007, pp. 398 & 399], which the UN Security Council had not endorsed and, therefore, carried no legal weight whatsoever. The report said that the “Constitution” was designed to effectively remove from UNMIK its powers of civil administration. That usurpation by the Pristina authorities of UNMIK’s mandate was deeply troubling, as was the impression the report gave of acquiescing to an unjustifiable violation of resolution 1244(1999).

Kosovo President Sejdiu said that Kosovo’s independence was declared in line with the Ahtisaari plan, and the transition to the new status had gone well. The country had since been recognized by 43 Member States, and more nations were recognizing it every month. The Ahtisaari plan, overwhelmingly endorsed by the Assembly of Kosovo, was the guiding framework for Kosovo’s efforts. The Assembly had since adopted more than 40 pieces of legislation. Those changes had created a new situation requiring the United Nations, once again, to adapt its presence. The people of Kosovo, therefore, appreciated the Secretary-General’s initiative to reconfigure the UN presence. The United Nations would continue to perform rule-of-law functions in accordance with resolution 1244(1999), until the EU was able to perform fully its operational role—all steps that Kosovo would support.

Several Council members, including France, Italy, the United Kingdom and the United States, expressed support for the package, but others, notably the Russian Federation, had serious objections to the reconfiguration and the enhanced EU role in Kosovo. China acknowledged the many changes in Kosovo since 1999, but said that the basis for implementing resolution 1244(1999) had not changed.

**New Head of UNMIK.** On 20 June [S/2008/411], the Secretary-General informed the Security Council of his intention to appoint Lamberto Zannier (Italy) as his Special Representative for Kosovo and Head of UNMIK. On 23 June [S/2008/412], the President of the Council informed the Secretary-General that Council members had taken note of that intention.

**Report of Secretary-General (July).** The Secretary-General reported in July [S/2008/458] that the Kosovo Constitution had come into force on 15 June, along with a package of laws covering decentralization and borders, and authorizing the creation of a Kosovo Foreign Ministry and Intelligence Service. On 10 June, the Kosovo Assembly adopted a national anthem, and on 17 June, the Kosovo Government authorized the establishment of nine “embassies” in Member States that had recognized the declaration of independence. The Kosovo authorities committed themselves to implementing in full the Comprehensive Proposal for the Kosovo Status Settlement prepared by the Secretary-General’s Special Envoy for the future status process for Kosovo, Martti Ahtisaari, which was presented to the Council in March 2007 [YUN 2007, p. 399].

Kosovo Serbs had rejected the Constitution. Following Serbian parliamentary and local municipal elections on 11 May, organized by the Serbian Electoral Commission in 23 of Kosovo’s 30 municipalities, Serbian officials and Kosovo Serb leaders started to establish parallel municipal government structures in Serb-majority municipalities in accordance with Serbian law. Kosovo Serbs had continued to strongly oppose the declaration of independence. They had carried out continued protests, some of which had turned violent, like the one on 17 March, when an UNMIK police operation, supported by the international security presence in Kosovo (KFOR), re-established UNMIK control over the UNMIK courthouse in northern Mitrovica/Mitrovica, which had been forcefully seized on 14 March by Kosovo Serb judicial employees protesting and asking to be reinstated in their positions. During the operation, the UNMIK police and KFOR came under attack by the protesters. The confrontation resulted in the death of Kynal Ihot, an international police officer from Ukraine, and in the wounding of 64 UNMIK police officers, 24 KFOR soldiers and several Kosovo Serb protesters. The incident led to a 36-hour withdrawal of UNMIK police from northern Mitrovica/Mitrovica, leaving KFOR as the first responder during the interim period.

The Secretary-General said that the ability of UNMIK to operate as before had been fundamentally challenged owing to actions taken by both the authorities in Pristina and the Kosovo Serbs. In Pristina, Kosovo’s authorities had instituted measures that sought to effectively assume the Mission’s powers. The Constitution made no mention of any role or function of the United Nations and did not contain a reference to resolution 1244(1999), although Kosovo’s authori-
ties had welcomed the continued UN presence, Kosovo had also passed legislation whose purpose was to assume legal control and responsibility over areas that were previously reserved to the Secretary-General’s Special Representative. Kosovo Serbs, on their part, had rejected the Constitution and connected legislation and, with the support of Belgrade, had expanded their boycott of Kosovo’s institutions and widened their parallel structures, particularly in northern Kosovo. Following the meeting of the Security Council on 20 June (see p. 438), and in light of the fact that the Council was unable to provide guidance, the Secretary-General decided to move forward with the reconfiguration and instructed UNMIK to cooperate with the EU in order for it to assume an enhanced operational role in Kosovo in the area of the rule of law, in accordance with resolution 1244(1999) and under a “United Nations umbrella” headed by the Special Representative.

UNMIK would continue to support Kosovo in its effort to consolidate democratic governance institutions, advance economic growth and move towards a future in Europe. Building a society in which all communities could coexist in peace remained a difficult and long-term challenge. The Secretary-General called upon the authorities in Pristina and Belgrade, and representatives of all of Kosovo’s communities, to continue to work together with UNMIK.

Security Council consideration (July). Addressing the Council on 25 July [meeting 5944], the new Special Representative for Kosovo, Mr. Zannier, said that events on the ground had contributed to creating a profoundly new operating reality for UNMIK. The ability of UNMIK to perform the vast majority of its tasks as an interim administration had been fundamentally challenged, owing to actions taken by the authorities in Pristina and the Kosovo Serbs. The Kosovo authorities continued to seek to assume the powers and responsibilities of a sovereign State. Those included the approval by the Kosovo Assembly of funds for establishing a Ministry of Foreign Affairs; a Minister had been appointed and was present in the Security Council. The Assembly of Kosovo continued to pass legislation, which was now promulgated by the President of Kosovo without reference to the Special Representative’s powers under resolution 1244(1999) or the constitutional framework. Meanwhile, the Kosovo Serbs continued to oppose cooperation with the authorities in Pristina, stressing that they would only cooperate with UNMIK. As a result of the Serbian local elections of 11 May, new parallel municipal authorities were operating in all Serb-majority municipalities. As a consequence of the stark divergence of paths taken by the Serbian and Albanian communities, his power to impose solutions had in practice disappeared throughout much of the territory. The EU decision to end funding for UNMIK’s economic reconstruction pillar had left UNMIK as from 30 June without the technical capacity or budget to operate in most economic areas. As a result, UNMIK had been engaged in planning for a reconfiguration of its presence which took into account those circumstances. An initial reconfiguration plan had been developed, outlining measures which would reduce the Mission’s capacity in areas where it could no longer effectively function, for example, in civil administration, and enhance it in others, with particular attention to minorities. Mr. Zannier remained optimistic that UNMIK could continue to facilitate dialogue on matters affecting the lives of all communities.

While maintaining that Serbia could not accept its own forcible partition, Serbian Foreign Minister Jeremić called the way in which the reconfiguration had started “an inglorious episode”, but stressed that it was now essential to proceed in the right way—with the full engagement of Serbia. The reconfiguration must be completed with Serbia’s acceptance and the Council’s explicit approval. That was the only way to ensure legitimacy and sustainability. The voice of Serbia, on the reconfiguration and much else, could no longer be disregarded. Serbia would spare no effort in honestly engaging with the United Nations in forging an acceptable, forward-looking reconfiguration arrangement that would uphold the overall authority of the United Nations, while opening up space for the institutional inclusion of regional organizations.

Skënder Hyseni, Minister for Foreign Affairs of Kosovo, said that Pristina was ready to engage in discussions with Belgrade, as two independent States, on a wide range of practical issues of mutual interest. Such dialogue was indispensable because of the ties of the past. It was in the very best interests of both Belgrade and Pristina to talk, as they aspired to join the western community of nations as represented in the EU.

The Russian Federation said that UNMIK’s reconfiguration was inadmissible without the Security Council’s authorization. The Secretary-General had exceeded his authority and intruded on the Council’s prerogative in taking that decision. There seemed to be an attempt to legalize a structure for implementing the Ahtisaari Proposal, which had not been approved by the Council but which would abet the unilateral establishment of an unlawfully proclaimed construct. The EU’s aspiration to play a more robust role in Kosovo was understandable, but should be met on the basis of resolution 1244(1999) and with respect for the prerogatives of the Council.

General Assembly action. On 8 October [A/63/PV.22], Serbia’s Foreign Minister Jeremić introduced in the General Assembly a draft resolution [A/63/L.2]...
requesting an advisory opinion of the International Court of Justice (ICJ) on whether the unilateral declaration of independence of Kosovo was in accordance with international law. Sending the question to the Court, he said, would prevent the Kosovo crisis from serving as a deeply problematic precedent in any part of the globe where separatist ambitions were harboured. An advisory opinion would provide politically neutral, yet judicially authoritative, guidance to many countries still deliberating how to approach such unilateral declarations. The question posed refrained from taking political positions on the Kosovo issue.

On the same day, the General Assembly adopted resolution 63/3 by a recorded vote of 77 to 6, with 74 abstentions (see p. 1404). By that action, the Assembly requested the ICJ to render a non-binding advisory opinion on whether the unilateral declaration of independence by the Provisional Institutions of Self-Government of Kosovo was in accordance with international law.

**Report of Secretary-General (November).** In a report [S/2008/692] issued in November, the Secretary-General said that Kosovo had been recognized as an independent state by 52 countries and had applied for membership in the International Monetary Fund and the World Bank Group. Kosovo also decided to undertake a census of the population, established a Ministry for Security Forces and appointed an 11-member Central Election Commission.

The Kosovo authorities underlined that independence was irreversible and the review by the ICJ of the legality of the declaration of independence would not prevent other countries from recognizing Kosovo as an independent State. The Kosovo Serb political leadership in northern Kosovo continued to oppose the deployment to the north of the International Civilian Office, foreseen in the Comprehensive Proposal for the Kosovo Status Settlement—which was not endorsed by the Security Council—and the deployment of the EU Rule of Law Mission in Kosovo (EULEX).

KFOR launched the recruitment process for a future Kosovo security force. During the first stage, the selection would be made from the Kosovo Protection Corps (KPC). Non-recruited KPC members would be resettled, reintegrated or retired with dignity. A resettlement programme would be funded by a NATO trust fund and implemented by the United Nations Development Programme.

UNMIK announced the start of the reconfiguration process on 26 June and had begun to adapt its structure within the framework of resolution 1244(1999). The reconfiguration of UNMIK was being accelerated, was taking place in a transparent manner and was consistent with the UN position of strict neutrality on the question of Kosovo’s status. The Special Representative was facilitating the EU’s preparations to undertake an enhanced operational role in the rule-of-law area, focusing on policing, justice and customs. EULEX would fully respect resolution 1244(1999), operate under the overall authority and within the status-neutral framework of the United Nations and submit reports to it on a regular basis. UNMIK had been working closely with EULEX on technical arrangements designed to facilitate its deployment under resolution 1244(1999). The Pristina authorities had welcomed the beginning of the reconfiguration, but had expressed reservations about a perceived lack of clarity on the timing of the process and about the competencies to be retained by UNMIK. The Organization for Security and Cooperation in Europe (OSCE) would remain a central element of a reconfigured UNMIK through the OSCE mission in Kosovo.

Serbia had accepted the results of the dialogue with the Special Representative on the six key areas and the arrangements set out in the report, while the Pristina authorities had stated that they did not accept those arrangements: they favoured the quick deployment of EULEX and would cooperate with it on its deployment throughout the territory of Kosovo.

**Security Council consideration (November).** Briefing the Council on 26 November [meeting 6025], the Special Representative said that UNMIK was re-orienting its field presence to concentrate on areas occupied by non-Albanian communities, monitoring the interests of those communities and retaining a supporting and mediation role. UNMIK needed to concentrate on the areas where it could still make a difference for good, rather than attempt to continue functions that were neither relevant nor needed. EULEX was deploying at an increasingly accelerated rate, but UNMIK remained the principal international guarantor of the rule of law in Kosovo. Its role was becoming much more political, for example, in providing an interface for the dialogue between Belgrade and Pristina. Since it had not yet been possible to establish conditions for the two sides to talk to each other, UNMIK had had a role as an interlocutor of both, although each side interpreted that role in a different way.

Stressing that Serbia’s voice must be respected, Foreign Minister Jeremić said that a dialogue between Serbia and the United Nations had begun, focusing on the six topics of mutual concern proposed by the Secretary-General. That dialogue created the conditions to protect the well-being of Serbs and other gravely endangered communities in Kosovo. It cemented the fact that Serbia remained indispensable to the self-governance of its southern province.

While underscoring Kosovo’s full support for the deployment of EULEX, Kosovo Foreign Minister Hyseni said that, in a declaration of 18 November, Kosovo had made very clear its rejection of the six-
point proposal made by the Secretary-General. Kosovo could not permit any action that infringed upon its sovereignty and territorial integrity. Kosovo would cooperate with EULEX for its deployment throughout Kosovo on the basis of Kosovo’s declaration of independence, Constitution and laws, as well as the Ahtisaari package, the EU joint action plan of 4 February and the initiatives for EULEX deployment, as its mandate fully respected Kosovo’s sovereignty, territorial integrity and unity.

SECURITY COUNCIL ACTION

On 26 November [meeting 6025], following consultations among Security Council members, the President made statement S/PRES/2008/44 on behalf of the Council:

The Security Council welcomes the report of the Secretary-General of 24 November 2008 on the United Nations Interim Administration Mission in Kosovo and, taking into account the positions of Belgrade and Pristina on the report, which were reflected in their respective statements, welcomes their intentions to cooperate with the international community.

The Council welcomes the cooperation between the United Nations and other international actors, within the framework of Council resolution 1244(1999), and also welcomes the continuing efforts of the European Union to advance the European perspective of the whole of the Western Balkans, thereby making a decisive contribution to regional stability and prosperity.

Communication. On 12 December [S/2008/803], Serbia clarified its position on the reconfiguration of the international civilian presence in Kosovo and Metohija. Serbia had indicated its support for EULEX on the assumption that, in addition to being status-neutral, EULEX fully respected resolution 1244(1999) and operated under UN authority, serving as the implementing arm of the United Nations. EULEX’s mandate did not include the implementation of any portion of the Ahtisaari Comprehensive Proposal for a Kosovo Status Settlement, which was not endorsed by the Security Council and therefore had no standing in international law. In a letter to Serbia received on 6 December, the Special Representative had indicated his intention to reconfigure UNMIK operations in the rule-of-law area following the deployment of EULEX. The letter did not specify how the Special Representative intended to implement the provisions agreed to in the “dialogue with Belgrade” outlined in the Secretary-General’s November report, especially those relating to the rule of law. Serbia viewed UNMIK as its primary interlocutor on implementation and all other issues related to the interim administration of Kosovo. It was therefore essential that the executive and reserved powers accorded to it by the Constitutional Framework for Provisional Self-Government [YUN 2001, p. 352] continued to be exercised. Moreover, the UN field presence through regional and subregional offices remained vital, as did its presence in Belgrade. Accordingly, the Special Representative was expected to propose a schedule of meetings on implementation. Sustaining the engagement of the United Nations and the Special Representative remained a crucial component in achieving success on the ground and contributing to stability. The Representative’s continuing activities served as a guarantee of the status-neutrality of the international presence.

Further report of Secretary-General. In a later report [S/2009/149], the Secretary-General said that EULEX deployed Kosovo-wide without incident on 9 December, assuming full operational responsibility in the area of the rule of law. Serbia and a majority of Kosovo Serbs accepted that deployment on condition that it would fully respect resolution 1244(1999) and that it would operate under the overall authority of the United Nations and within its status-neutral framework.

As a result, after almost 10 years of service in Kosovo, UNMIK police successfully completed their operations, including in the Mitrovicë/Mitrovica region. By 9 December, EULEX had deployed 1,045 police officers throughout Kosovo. Over a three-day period, UNMIK police throughout Kosovo reported to their former posts in civilian clothes and introduced the EULEX police monitors/advisers to their Kosovo police counterparts. On 12 December, an agreement was signed between UNMIK and EULEX on the transfer of crime investigation files.

Progress on standards implementation

The Secretary-General transmitted to the Security Council the technical assessments of progress in implementing the standards for Kosovo (functioning democratic institutions, rule of law, freedom of movement, returns and reintegration, economy, property rights, cultural heritage, dialogue with Belgrade and the Kosovo Protection Corps), which it had to meet to comply with resolution 1244(1999) [YUN 1999, p. 353]; the Constitutional Framework for Provisional Self-Government [YUN 2001, p. 352]; the original standards/benchmarks statement endorsed by the Council in presidential statement S/PRES/2002/11 [YUN 2002, p. 369]; and the 2004 Kosovo Standards Implementation Plan [YUN 2004, p. 408]. The assessments, prepared by the Special Representative, were annexed to the Secretary-General’s three reports to the Council on UNMIK covering 2008 [S/2008/211, S/2008/458, S/2008/692].

Functioning democratic institutions. Following the November 2007 elections [YUN 2007, p. 404], the new Assembly of Kosovo was inaugurated on 4...
January. On 9 January, it elected its President and six members of its Presidency, while the election of the Kosovo Serb representative and the other non-Albanian representative was completed in February. The Assembly on 9 January re-elected the President of Kosovo and elected the Prime Minister and Government. The new Government included two female Ministers and two female deputy Ministers, compared with one female Minister and one female Deputy Minister in the previous Government. In April, the Government approved the Kosovo programme on gender equality, which focused on education of women, integration of women into the economy, labour and social welfare, culture and the media, health, gender relations and decision-making processes.

Many Kosovo Serbs started to report back to work, after an initial boycott following the declaration of independence, but the situation varied in different areas of Kosovo. Some Kosovo Serb leaders announced the formation of parallel municipal assemblies based on the local elections organized by Belgrade in Kosovo Serb areas in May. The Anti-Corruption Agency [YUN 2007, p. 405] in March submitted its first annual report to the President of the Assembly. The implementation of the Law on the Use of Languages continued to suffer from insufficient allocation of human and financial resources, and only one municipality had adopted a municipal regulation on the use of languages. A new 11-member Central Election Commission was appointed by presidential decree in August. The newly formed Election Complaints and Appeals Commission, a five-member body of Supreme Court judges, provided for redress of grievances relating to electoral issues. Kosovo’s new legal framework envisaged an increase in the number of municipalities from 33 to 38, but the non-participation of the Kosovo Serb community was paralysing the process of creating the new Kosovo Serb majority municipalities foreseen in the new Law on Municipal Boundaries.

Most of the municipalities had not met their fair-share financing obligations. As a result of the new Law on Local Government Finance, municipalities were expected to integrate fair-share financing into their regular budget from 2009 onwards: that would make it challenging to follow up on the use of funds targeted for minority communities.

**Rule of law.** Five District Legal Aid Bureaux were opened in January and three new Special Prosecutors were recruited for the Special Prosecutors Office. The multi-ethnic character of the police had been challenged since the declaration of independence, because Kosovo Serb police officers in many southern Kosovo municipalities were suspended following their statement that they would no longer recognize the police chain of command and their demand to be placed under the direct command of UNMIK police. In May, the Government decided to continue to pay the suspended police officers to encourage them to return to their posts, and an operational plan to assist those who wished to return was put in place. Despite progress in the relationship between the Ministry of Internal Affairs and the police, sustained efforts were needed to get the police to accept the Ministry’s oversight. Kosovo Serb judges and prosecutors continued their protests in northern Mitrovicë/Mitrovica. The Judicial Council and the Ministry of Justice continued to pay salaries to all court staff and prosecutors’ office staff pending their return to work. In the north, the courthouse in Mitrovicë/Mitrovica reopened on 3 October, on the basis of the dialogue of the Special Representative with the Government of Serbia and his consultations with other stakeholders, and following approximately six months of legal vacuum.

In July, a suspect was arrested in an outstanding case related to the March 2004 riots [YUN 2004, p. 405] and charged with participation, as a leader, in a crowd that committed criminal offences against Kosovo Serb residents, Serbian Orthodox religious sites and the UNMIK headquarters in Prizren. The first Kosovo passports were issued in July. However, the authorities had not placed any restrictions on the use by Kosovo Serbs of Serbian passports, and had begun issuing new Kosovo identity cards, while UNMIK and Serbian identity documents continued to be valid.

**Freedom of movement.** In 2008, regular surveys showed that more than 96 per cent of minority community members continued to travel outside their areas of residence. Freedom of movement was not a concern of the minority communities, except for the Kosovo Albanian minorities in northern Kosovo, according to the Office of the United Nations High Commissioner for Refugees (UNHCR). Nevertheless, efforts were needed from the Ministry of Transport and Communications to develop the humanitarian transport service. The humanitarian bus line from a Kosovo Albanian neighbourhood in northern Mitrovicë/Mitrovica to the southern part of the city was restored on 7 April after being temporarily halted following the declaration of independence. The railway service between Zveçan/Zvečan and Fushë Kosovë/Kosovo Polje had not resumed after it was stopped in early March, when Serbian Railways began illegally operating train service in the north of Kosovo and Kosovo Serb staff ceased to report to work. A replacement footbridge built across the Ibar River connecting south Mitrovicë/Mitrovica to the Three Towers mixed area in the north was inaugurated in July, facilitating freedom of movement for all communities.

**Returns and reintegration.** The number of minority returns declined sharply in comparison with previous years, which could be attributed to political developments, including the declaration of indepen-
In August, Unmik, in cooperation with Kosovo authorities, completed the signing of an agreement on privileges and immunities of the secretariat of the Central European Free Trade Agreement, thereby clearing the way for the implementation of the agreement. The European Commission adopted the 2008 progress report for Kosovo and would present a feasibility study that would assess further means for Kosovo’s progress towards integration with the EU. The situation along the Administrative Boundary Line had not changed since the destruction of customs facilities in northern Kosovo on 19 February. Unmik’s economic reconstruction pillar (pillar IV) ceased all substantive operations on 30 June, pursuant to a decision by the European Commission. As a consequence, Unmik no longer possessed any technical capacity or budgetary allocation to perform functions formerly carried out by that pillar. In that context, on 24 August, former KTA officials, appointed by the Kosovo authorities to official positions in the newly established Privatization Agency of Kosovo, took over the KTA compound in the presence of police officers. Following the takeover of the compound, the Privatization Agency was expected to attempt to restart the privatization process.

**Property rights.** The Kosovo Cadastral Agency had completed a pilot project on the registration of apartments in seven municipalities, which would be used as a model for the registration of apartments throughout Kosovo. The draft law on the treatment of illegal construction was adopted by the Assembly and was pending promulgation, as well as the draft law on the sale of apartments where tenure rights existed. The draft law on the organization of cadastral institutions was included in the Government’s legislative strategy for 2008. The number of cases adjudicated by the Property Claims Commission stood at 14,105, or 39 per cent of all claims received. The Kosovo Property Agency (KPA) had kept up the momentum in the adjudication process, and continued to administer abandoned properties and the voluntary rental scheme. There were 4,325 abandoned properties under KPA administration, of which 2,258 participated in the rental scheme with the consent of their owners.

**Cultural heritage.** The private security company contracted by the Ministry of Culture, Youth and Sports to implement additional security measures for 15 Orthodox sites under the €50,000 grant from the Government [YUN 2007, p. 406] began its work following approval of its plan by the Serbian Orthodox Church in February. Also in February, the Assembly adopted a Law on the Establishment of Special Protective Zones. The Special Representative issued two executive decisions regarding a property dispute involving the Visoki Dečani Monastery. Works on the Hadum Mosque in Gjakovë/Djakovica under the
auspices of the United Nations Educational, Scientific and Cultural Organization, with a United States donation, commenced in April.

In 2008, the Kosovo police recorded 51 incidents targeting religious and cultural heritage sites, including vandalism and theft. Security for cultural and religious heritage sites continued to be a priority. The police continued to maintain a round-the-clock presence at the Church of Saint Nicholas in Prishtinë/Pristina, as well as routine patrolling of cultural and religious sites across Kosovo. The Reconstruction Implementation Committee would require the support of all stakeholders, particularly the Serbian Orthodox Church, to conclude its undertaking.

Dialogue with Belgrade. Discussions were conducted on the Secretary-General’s proposals as set out in his June report (see p. 438). The Special Representative stated that dialogue and consultations with all parties had been conducted in Belgrade and Pristina, without prejudice to their positions on the status issue. All parties had accepted the reconfiguration of the structure and profile of the international presence and had sought pragmatic progress in the discussions with the Special Representative on the six provisions—police, courts, customs, transportation and infrastructure, boundaries and Serbian patrimony.

Kosovo Protection Corps. KPC remained focused on developing its operational capability. From 22 March to 12 April, a detachment of KPC deminers, accompanied by an UNMIK representative, took part in rescue operations in the village of Gërdec near Tirana, Albania, to help deal with the consequences of the explosion of an ammunition depot on 15 March. Following the declaration of independence in February, eight Kosovo Serb members of the KPC stopped working. No disciplinary action had been taken against them and efforts continued to persuade them to return to work. Minority representation in the KPC, which had 2,865 active members at the end of 2008, remained at 6.1 per cent, including the representation of Kosovo Serbs, which had decreased slightly from 1 per cent to 0.98 per cent since May. Women were represented at all levels, although total numbers were relatively small, at 3 per cent.

UN Interim Administration Mission in Kosovo

The United Nations Interim Administration Mission in Kosovo (UNMIK), established in 1999 [YUN 1999, p. 357] to facilitate a political process to determine Kosovo’s political future, comprised five components: 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 Repre- sentative of the Secretary-General Joachim Rücker (Germany), who was succeeded by Lamberto Zannier (Italy) on 20 June.

The Secretary-General reported to the Security Council on UNMIK activities and developments in Kosovo for the periods from 16 December 2007 to 1 March 2008 [S/2008/211], 1 March to 25 June [S/2008/458], 26 June to 31 October [S/2008/692], 1 November to 9 March 2009 [S/2009/149] and in a special report submitted on 12 June [S/2008/354].

OIOS report. In April, the Office of Internal Oversight Services (OIOS) issued a report on the comprehensive audit of UNMIK’s mandate implementation [A/62/807], which focused on establishing the police and an independent and multi-ethnic judiciary and reforming the correctional system; performing basic civil administrative functions, promoting the establishment of self-government, promoting human rights and ensuring the return of refugees and displaced persons; and developing the legal, institutional and policy framework for economic reconstruction and development. The audit identified a number of failures and deficiencies in implementing the mandates. Oios had concerns about the management of the transfer of responsibilities to the central government ministries and local municipalities. It also noted deficiencies in the governance mechanisms and internal control processes at the KTA. Furthermore, the continued weaknesses and backlog of court cases in the judiciary system were of concern.

UNMIK had transferred more than 80 per cent of the competencies for law enforcement to the Kosovo police and had established judicial systems that had been “Kosovorized” to a large extent. However, a lack of leadership and managerial skills had limited UNMIK’s ability to accomplish the mandated goals in an effective manner, and the continued weaknesses in the judiciary system were of concern. The staff strengths of the police and the Kosovo Correctional Service were built up on an ad hoc basis. The UNMIK Regulation was not promptly amended to provide clear goals for the required multi-ethnic composition of the judiciary. Moreover, the number of pending court cases, which stood at 160,238 as at March 2007, was alarming.

Turning to civil administration, oios said that UNMIK had not established minimum criteria for assessing the preparedness of central government ministries and local government municipalities before the transfer of civil administration competencies, and failed to put effective mechanisms in place to monitor and determine whether the ministries and municipalities had adequately assumed those competencies. Significant deficiencies were also identified in the governance mechanisms and internal control processes at KTA. Oios maintained that UNMIK and the KTA
Board of Directors operated the Agency in a way that did not adhere to the kta Regulation, corporate governance principles, financial fiduciary responsibilities and public accountability requirements. For example, the kta Board contravened the kta Regulation and the Agency’s governance principles and guidelines when it approved the appointment of politically active members to the Board of Directors of the Kosovo Energy Corporation. That has resulted in a weak corporate governance framework that could jeopardize the effective performance and financial sustainability of the Agency.

Oios issued a series of recommendations, and suggested that the Secretary-General bring the report to the attention of the Security Council.

**Report of Secretary-General.** In his July report on UNMIK [S/2008/458], the Secretary-General said that the oios report identified a number of failures and deficiencies. His Special Representative had raised concerns that the report did not reflect a balanced assessment of the UNMIK performance throughout the course of its nine years in Kosovo. Taking into account the evolving circumstances on the ground, the Special Representative would monitor gaps in the standards implementation and assist the local authorities in implementing the standards in order to fulfil the UNMIK mandate.

**Financing**

On 20 June [meeting 109], the General Assembly, having considered the Secretary-General’s reports on the UNMIK budget for the periods from 1 July 2006 to 30 June 2007 [A/62/610] and from 1 July 2008 to 30 June 2009 [A/62/687]; the Secretary-General’s note on the financing arrangements for the Mission for the period from 1 July 2007 to 30 June 2008 [A/62/801] and the related report of the Advisory Committee on Administrative and Budgetary Questions (ACABQ) [A/62/781/Add.18]; the Oios report on the comprehensive audit of the Mission mandate implementation [A/62/807]; and the statement by the representative of the Secretary-General transmitting his comments thereon [A/C.5/62/SR.49], adopted, on the recommendation of the Fifth (Administrative and Budgetary) Committee [A/62/875], resolution 62/262 without vote [agenda item 151].

**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, the note by the Secretary-General on the financing arrangements for the Mission and the related report of the Advisory Committee on Administrative and Budgetary Questions, the report of the Office of Internal Oversight Services on the comprehensive audit of the Mission mandate implementation and the oral statement by the representative of the Secretary-General transmitting his comments thereon, recalling Security Council resolution 1244(1999) of 10 June 1999 regarding the establishment of the United Nations Interim Administration Mission in Kosovo, recalling also its resolution 55/241 of 28 July 1999 on the financing of the Mission and its subsequent resolutions thereon, the latest of which was resolution 61/285 of 29 June 2007, acknowledging the complexity of the Mission, reaffirming the general principles underlying the financing of United Nations peacekeeping operations, as stated in General Assembly resolutions 1874(S-IV) of 27 June 1963, 3101(XXVIII) of 11 December 1973 and 55/235 of 23 December 2000, mindful of the fact that it is essential to provide the Mission with the financial resources necessary to enable it to fulfil its responsibilities under the relevant resolution of the Security Council,

1. Requests the Secretary-General to entrust the Head of Mission with the task of formulating future budget proposals in full accordance with the provisions of General Assembly resolutions 59/296 of 22 June 2005, 60/266 of 30 June 2006 and 61/276 of 29 June 2007, as well as other relevant resolutions;

2. Takes note of the status of contributions to the United Nations Interim Administration Mission in Kosovo as at 30 April 2008, including the contributions outstanding in the amount of 48.9 million United States dollars, representing some 2 per cent of the total assessed contributions, notes with concern that only ninety-six Member States have paid their assessed contributions in full, and urges all other Member States, in particular those in arrears, to ensure payment of their outstanding assessed contributions;

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

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

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

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

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

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

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

10. Requests the Secretary-General to ensure the full implementation of the relevant provisions of its resolutions 59/296, 60/266 and 61/276;

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

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

13. Takes note of the report of the Office of Internal Oversight Services on the comprehensive audit of the Mission mandate implementation and the oral statement by the representative of the Secretary-General transmitting his comments thereon;

Financial performance report for the period from 1 July 2006 to 30 June 2007

14. Also takes note of the report of the Secretary-General on the financial performance of the Mission for the period from 1 July 2006 to 30 June 2007;

Financing arrangements for the period from 1 July 2007 to 30 June 2008

15. Further takes note of the note by the Secretary-General on the financing arrangements for the Mission for the period from 1 July 2007 to 30 June 2008;

16. Decides to appropriate to the Special Account for the United Nations Interim Administration Mission in Kosovo the additional amount of 9,799,600 dollars for the maintenance of the Mission for the period from 1 July 2007 to 30 June 2008, taking into account the amount of 220,897,200 dollars already appropriated for the Mission for the same period under the provisions of resolution 61/285;

Financing of the additional appropriation for the period from 1 July 2007 to 30 June 2008

17. Also decides to apportion among Member States the amount of 9,799,600 dollars, taking into account the amount of 220,897,200 dollars already apportioned by the General Assembly for the maintenance of the Mission in its resolution 61/285 for the period from 1 July 2007 to 30 June 2008, in accordance with the levels updated in General Assembly resolution 61/243 of 22 December 2006, and taking into account the scale of assessments for 2007 and 2008, as set out in its resolution 61/237 of 22 December 2006;

18. Further decides that, in accordance with the provisions of its resolution 973(X) of 15 December 1955, the decrease of 823,800 dollars in estimated staff assessment income in respect of the financial period from 1 July 2007 to 30 June 2008 shall be added to the apportionment among Member States as provided for in paragraph 17 above;

Budget estimates for the period from 1 July 2008 to 30 June 2009

19. Decides to appropriate to the Special Account for the Mission the amount of 207,203,100 dollars for the period from 1 July 2008 to 30 June 2009, inclusive of 198,012,000 dollars for the maintenance of the Mission, 8,012,200 dollars for the support account for peacekeeping operations and 1,178,900 dollars for the United Nations Logistics Base;

Financing of the appropriation

20. Also decides to apportion among Member States the amount of 207,203,100 dollars, in accordance with the levels updated in resolution 61/243, and taking into account the scale of assessments for 2008 and 2009, as set out in resolution 61/237;

21. Further decides that, in accordance with the provisions of its resolution 973(X), there shall be set off against the apportionment among Member States, as provided for in paragraph 20 above, their respective share in the Tax Equalization Fund of the amount of 16,141,400 dollars, comprising the estimated staff assessment income of 15,278,400 dollars approved for the Mission, the prorated share of 769,900 dollars of the estimated staff assessment income approved for the support account and the prorated share of 93,100 dollars of the estimated staff assessment income approved for the United Nations Logistics Base;

22. 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 20 above, their respective share of the unencumbered balance and other income in the total amount of 13,465,200 dollars in respect of the financial period ended 30 June 2007, in accordance with the levels updated in resolution 61/243, and taking into account the scale of assessments for 2007, as set out in resolution 61/237;

23. Also decides that, for Member States that have not fulfilled their financial obligations to the Mission, there shall be set off against their outstanding obligations their respective share of the unencumbered balance and other income in the total amount of 13,465,200 dollars in respect of the financial period ended 30 June 2007, in accordance with the scheme set out in paragraph 22 above;

24. Further decides that the decrease of 171,300 dollars in the estimated staff assessment income in respect of the financial period ended 30 June 2007 shall be set off against the credits from the amount of 13,465,200 dollars referred to in paragraphs 22 and 23 above;

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

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

27. Invites voluntary contributions to the Mission in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure and practices established by the General Assembly;
28. **Decides** to include in the provisional agenda of its sixty-third session the item entitled “Financing of the United Nations Interim Administration Mission in Kosovo”.

By **decision 63/552** of 24 December, the Assembly decided that the agenda item on the financing of UNMIK would remain for consideration during its resumed sixty-third (2009) session.

**International security presence (KFOR)**

In accordance with resolution 1244(1999) [YUN 1999, p. 353], the Secretary-General transmitted to the Security Council reports on the activities during 2008 of the international security presence in Kosovo (KFOR), also known as Operation Joint Guard, covering the periods 1 to 31 January [S/2008/204], 1 to 29 February [S/2008/331], 1 to 31 March [S/2008/362], 1 to 30 April [S/2008/477], 1 to 31 May [S/2008/549], 1 to 30 June [S/2008/600] and 1 to 31 July [S/2008/638]. As at 31 July, the force, which operated under NATO leadership, comprised 14,409 troops, including 2,173 troops from non-NATO countries.

As before, KFOR handled incidents related to unexploded ordnance, counterfeit currency, illegal weapons possession, drugs, human trafficking and smuggling. KFOR units continued to focus on maintaining a safe and secure environment and freedom of movement throughout Kosovo, as well as on preventing non-compliant-group activities. They conducted high-visibility operations throughout Kosovo to deter any possible attempt at destabilization.

**Georgia**

In 2008, efforts continued to advance the Georgian-Abkhaz peace process, based on the 2001 Basic Principles for the Distribution of Competences between Tbilisi (Georgia’s Government) and Sukhumi (the Abkhaz leadership) [YUN 2001, p. 386]. That document was intended to serve as a framework for substantive negotiations on the status of Abkhazia as a sovereign entity within the State of Georgia.

The escalation of hostilities and war in South Ossetia in August, as well as the subsequent Georgian-Russian conflict, deeply affected the situation in the Georgian-Abkhaz zone of conflict and the overall conflict-settlement process. In the aftermath of the conflict, the Russian Federation recognized Abkhazia’s and South Ossetia’s independence, while Georgia declared them territories occupied by the Russian Federation. Following Russia’s recognition of Abkhazia, Georgia withdrew from the 1994 Moscow Agreement on a Ceasefire and Separation of Forces [YUN 1994, p. 583]. Subsequently, the Commonwealth of Independent States decided to suspend its peackeeping operation in the conflict zone, which had been in place for 14 years [ibid.], monitored by the United Nations Observer Mission in Georgia.

In the EU-mediated agreement signed in Moscow on 8 September, it was agreed that the UN Mission would continue to carry out its mandate as before the August hostilities. In October, the Council extended the mandate of the Mission until 15 February 2009.

**UN Observer Mission in Georgia**

The United Nations Observer Mission in Georgia (UNOMIG), established by Security Council resolution 858(1993) [YUN 1993, p. 509], continued to monitor compliance with the 1994 Moscow Agreement and to fulfill other tasks, as mandated by Council resolution 937(1994) [YUN 1994, p. 584]. The Mission operated in close collaboration with the collective peackeeping forces of the Commonwealth of Independent States (CIS), located since 1994 in the zone of conflict [ibid., p. 583]. The Council extended the Mission’s mandate twice during the year, the first time until 15 October, and the second until 15 February 2009.

UNOMIG main headquarters was located in Sukhumi (Abkhazia, Georgia), with a liaison office in the Georgian capital of Tbilisi, and team bases and sector headquarters in the Gali and Zugdidi sectors. A team base in the Kodori Valley was manned by observers operating from Sukhumi. As at December 2008, UNOMIG strength stood at 136 military observers and 20 police advisers.

In September [S/2008/631], Johan Verbeke (Belgium) succeeded Jean Arnault (France) as the Secretary-General’s Special Representative for Georgia and Head of UNOMIG. He was assisted by the UNOMIG Chief Military Observer, Major General Anwar Hussein (Bangladesh), who succeeded Major General Niaz Muhammad Khan Khattak (Pakistan).

**Political aspects of the conflict**

**Report of Secretary-General (January).** In a January report on the situation in Abkhazia [S/2008/38], the Secretary-General stated that UNOMIG continued its efforts to prevent the escalation of tensions in the zone of conflict and to facilitate dialogue between the Georgian and Abkhaz sides. The Secretary-General noted that no incident had occurred between those sides and that no further confrontation had taken place between Georgian security forces and CIS peackeeping forces since their tense stand-off on 30 October 2007 [YUN 2007, p. 417]. A string of allegations concerning either the deployment of forces
on both sides of the ceasefire line or incidents involving the Abkhaz forces or the cis peacekeeping force, however, generated tensions and, occasionally, alarm in the zone of conflict and beyond.

While some work had been done following up on the Bonn meeting [YUN 2007, p. 413], differences between the sides persisted on the formal political dialogue. Concerned that internal problems in Georgia could set the stage for military action in the zone of conflict, the Abkhaz side announced a strengthening of security measures along the ceasefire line until mid-January. The Government of Georgia denied any aggressive intentions and, in turn, interpreted Abkhaz security measures as the introduction of a state of emergency in the Gali district, possibly aimed against the Georgian population in the district.

The two electoral campaigns that had taken place in 2007 [ibid., p. 412], for the Georgian presidency and the de facto Abkhaz parliament, illustrated the rift between the political aspirations of the sides and their constituencies, with reunification and independence seen as top, non-negotiable priorities in Tbilisi and Sukhum, respectively, and promoted with an equal sense of urgency. The Security Council had repeatedly called upon the sides to exercise restraint. A successful dialogue on security, economic rehabilitation and the return of internally displaced persons and refugees would help bring about a comprehensive political settlement.

Following a statement by a Russian ruling party official about possible deliberations in the Russian Duma in January on a request by the Abkhaz de facto parliament for Russian recognition of Abkhaz independence, Georgian officials stated that the Government would take all necessary measures under the Constitution to protect Georgia’s territorial integrity.

Meeting of Group of Friends (February). On 18 and 19 February, senior representatives of the Group of Friends of the Secretary-General (France, Germany, Russian Federation, United Kingdom and United States) met in Geneva under the chairmanship of the Assistant Secretary-General for Peacekeeping Operations, Edmond Mulet. The meeting was attended by Georgian and Abkhaz delegations.

The Georgian side stressed the importance of the international community’s commitment to Georgia’s territorial integrity and sovereignty, as reflected in Council resolutions, and noted progress in implementing measures discussed in Geneva and Bonn. It stated that its commitments regarding the upper Kodori Valley were fulfilled and verifiable, thanks to transparency measures such as the establishment of a UNOMIG team base there, and therefore believed that the issue should be removed from the agenda. It underscored its readiness to elaborate and implement jointly with the Abkhaz side proposals aimed at increasing confidence, people-to-people contacts and the development of strong ties between civil societies. The Georgian delegation emphasized the establishment of economic links and the lifting of economic sanctions, and stressed that joint economic activities could be the best mechanism to ensure confidence-building. It expressed its readiness to revisit the package of documents prepared in 2005 on the non-use of force and the return of internally displaced persons and refugees.

The Abkhaz side said that international intermediaries should take into account in a more balanced way the international principles of self-determination and territorial integrity, particularly in light of recent decisions on Kosovo, and proposed that comprehensive settlement negotiations use as a basis the Abkhaz position paper “Key to the Future”, submitted in 2006. It reaffirmed its commitment to the implementation of the confidence-building measures proposed by the Friends. It stressed the main issues apt to improve confidence and, to a large extent, the credibility of the negotiation itself, such as the full implementation of the Moscow Agreement with regard to the Kodori Valley, the non-use of force and the lifting of the cis embargo against Abkhazia. The Abkhaz side stressed its flexibility in finding compromises on those issues, including the gradual establishment of a local police force in the upper Kodori Valley with international assistance, and the adoption of the already negotiated package of documents on non-use of force and the return of internally displaced persons.

The Group of Friends stressed the importance of cooperation by the two sides in enhancing the security situation. The Group reiterated its call for the resumption of the security meetings between the sides, UNOMIG and the cis peacekeeping force. It also expressed disappointment at the lack of progress made since the Bonn meeting and underscored the importance of implementing the proposals for confidence-building measures made by the Group in February 2007 and endorsed by the Security Council [YUN 2007, p. 412]. The Group reaffirmed the importance of the right of return for all the refugees and internally displaced persons to Abkhazia, Georgia, and encouraged the sides to focus on practical steps to improve conditions for returns.

Communications. In letters dated 7 March [A/62/732, S/2008/167], Georgia expressed concern about the Russian Federation’s withdrawal from the 1996 decision of the cis Council of Heads of State on measures aimed at settling the conflict in Abkhazia [YUN 1996, p. 352]. By that withdrawal, Russia considered itself no longer bound by the obligation to prevent the sale and supply of armaments to the Abkhaz side, or to prevent the enrolment of its own
citizens in armed groups in the conflict zone. By withdrawing unilaterally, Russia created the basis for providing the separatist government with military assistance and for establishing its military presence in Abkhazia.

On 10 March [S/2008/168], the Russian Federation said that on 6 March it had informed the CIS Executive Committee that the Russian Federation, due to a change in the circumstances, no longer considered itself bound by the 1996 decision of the CIS Council that had established sanctions against Abkhazia to induce it to take a more flexible position on the return of refugees and temporarily displaced persons. The situation had cardinaly changed. Most of the Georgian refugees that lived in Abkhazia’s Gali District had returned there. Further progress was impeded by Georgia’s rejection of the system for their registration proposed by UNHCR. The Abkhaz side had been fulfilling its obligations under the agreements of the conflict settlement process. The Georgian side had not displayed a similar constructive approach and was actually undermining negotiations, having placed its administrative structure in the upper Kodori Valley. Against that background, the sanctions had lost their meaning: they were hindering the implementation of economic and social programmes and were causing unjustified hardship for the Abkhaz people. Russia had therefore decided to lift the sanctions.

Report of Secretary-General (April). In an April report [S/2008/219], the Secretary-General said that, despite the efforts of his Special Representative, the negotiation process remained suspended, as the Abkhaz side continued to insist on the withdrawal of Georgian armed personnel from the upper Kodori Valley as a precondition for resuming negotiations. He welcomed the dialogue between the Georgian Ministry of Internal Affairs, the CIS peacekeeping force and UNOMIG, which had been taking place regularly on the Zugdidi side of the ceasefire line.

In March, the de facto Abkhaz Parliament adopted a statement that supported the suspension of negotiations with the Georgian side until the withdrawal of Georgian forces from the upper Kodori Valley. It also called upon the de facto leadership to take measures to re-establish Abkhaz “jurisdiction” over the upper Kodori Valley and appealed to the United Nations, international organizations and States to consider recognition of Abkhazia’s independence. On 6 March, the Russian Federation announced that it no longer considered itself bound by the restrictions introduced by the 1996 decision of the CIS Council of Heads of State. Georgia considered the decision as an overt attempt to infringe upon its sovereignty and territorial integrity, declared a “policy of zero tolerance towards the militarization of Abkhazia, Georgia” and pledged to work with the international community to prevent complications. In March, the Russian State Duma held three hearings on Abkhaz and South Ossetian appeals for recognition of their independence, and on 21 March adopted a statement that, while expressing support for the sovereignty and territorial integrity of Georgia, deemed necessary an adjustment in Russian policy in the light of Kosovo’s unilateral declaration of independence. The Duma called on the executive branch to strengthen protection of Russian citizens living in Abkhazia and proposed that the executive branch consider recognizing Abkhazia’s independence. Georgia’s Ministry of Foreign Affairs viewed the statement of the Duma as an attempt to interfere in Georgia’s internal affairs and warned that any modification in the deployment of the CIS peacekeeping force without the consent of the Georgian authorities in Abkhazia would constitute an act of aggression against Georgia.

On 28 March, President Mikheil Saakashvili outlined Georgia’s proposals for resolving the conflict, which included: unlimited autonomy and wide federalism, supported by international guarantees; broad Abkhaz political representation in the official structures of Georgia, including a new post of Vice-President to be occupied by an Abkhaz; the right to veto legislation and decisions related to the constitutional status of Abkhazia and to issues related to Abkhaz culture, language and ethnicity; the establishment of jointly controlled free economic zones in the Gali and Ochamchira districts; and the gradual merger of law-enforcement and customs services. He also suggested that the Russian Federation become, together with other members of the international community, a mediator to the conflict. The de facto Abkhaz leadership stated that those proposals were not acceptable and confirmed its position that building good-neighbourly relations with Georgia on an equal basis was the only subject it was prepared to consider.

In light of the situation and the role UNOMIG played in promoting stability, cooperation and the restoration of dialogue, the Secretary-General recommended that its mandate be extended for another six months, until 15 October.

Security Council consideration (April). At a closed meeting on 14 April [meeting 5865], Mr. Mulet briefed Security Council members and representatives of UNOMIG troop-contributing countries. The briefing was followed by an exchange of views.

SECURITY COUNCIL ACTION

On 15 April [meeting 5866], the Security Council unanimously adopted resolution 1808(2008). The draft [S/2008/248] was submitted by Croatia, France, Germany, the Russian Federation, the United Kingdom and the United States.
The Security Council,
Recalling all its relevant resolutions, including resolution 1781(2007) of 15 October 2007,
Welcoming the reports of the Secretary-General of 23 January and 2 April 2008 on the activities of the United Nations Observer Mission in Georgia,
Reiterating the importance of maintaining the separation of forces and the preservation of the ceasefire,
Supporting the sustained efforts of the Secretary-General and of his Special Representative for Georgia, with the assistance of the Group of Friends of the Secretary-General on Georgia, as well as the Russian Federation in its capacity as facilitator, and of the Organization for Security and Cooperation in Europe, underlining the increased importance of the meetings in the Geneva format as the forum for meaningful political dialogue, and welcoming the Georgian and Abkhaz renewed commitment to this process,
Noting that, whereas the United Nations and the Group of Friends of the Secretary-General will continue to support the process of conflict resolution between the Georgian and Abkhaz sides, the primary responsibility to make use of this support and to implement measures to advance the process, in particular measures to build confidence, remains with both sides,
Regretting the continued lack of progress in implementing confidence-building measures, and underlining the importance of constructive goodwill between the sides and respect for each other’s concerns,
Stressing the importance of close and effective cooperation between the Mission and the peacekeeping force of the Commonwealth of Independent States, as they currently play an important stabilizing role in the conflict zone, and recalling that a lasting and comprehensive settlement of the conflict will require appropriate security guarantees,
Stressing also that economic development is urgently required in Abkhazia, Georgia, to improve the livelihoods of the communities affected by the conflict, in particular refugees and internally displaced persons,

1. Reaffirms the commitment of all Member States to the sovereignty, independence and territorial integrity of Georgia within its internationally recognized borders, and supports all efforts by the United Nations and the Group of Friends of the Secretary-General on Georgia, which are guided by their determination to promote a settlement of the Georgian-Abkhaz conflict only by peaceful means and within the framework of the resolutions of the Security Council;

2. Reaffirms its strong support for the United Nations Observer Mission in Georgia, again urges the parties to cooperate fully with the Mission and to actively and sustainably engage in the political process led by the Special Representative of the Secretary-General for Georgia, and welcomes the Mission’s continued consultations with the parties on strengthening its observation capacity;

3. Welcomes the recent improvements in the overall security situation, calls upon both sides to consolidate and broaden those improvements, underlines the need for a period of sustained stability along the ceasefire line and in the Kodori Valley, and stresses the necessity to keep under close observation the situation in the upper Kodori Valley, which has to be in line with the Agreement on a Ceasefire and Separation of Forces signed at Moscow on 14 May 1994;

4. Also welcomes the renewed commitment given by both sides during the meeting chaired by the United Nations in Geneva on 18 and 19 February 2008 to resume regular consultations within the quadripartite meetings on security issues without delay, and once more urges both sides to finally fulfil this commitment;

5. Expresses its concern at any violation of the ceasefire and separation of forces regime in the zone of conflict;

6. Strongly urges all parties to consider and address seriously each other’s legitimate security concerns, to refrain from any acts of violence or provocation, including political action or rhetoric, to comply fully with previous agreements regarding ceasefire and non-use of violence, and to maintain the security zone and the restricted weapons zone free of any unauthorized military activities, and in this regard recalls the recommendations of the Secretary-General contained in his report of 18 July 2007 and his subsequent reports;

7. Calls upon both sides to finalize without delay the document on the non-use of violence, and also calls upon both sides to finalize without delay the document on the return of refugees and internally displaced persons;

8. Stresses anew the urgent need to alleviate the plight of refugees and internally displaced persons and the need for a perspective of life in security and dignity, in particular for a new generation growing up outside Abkhazia, Georgia;

9. Reiterates and reaffirms as fundamentally important the right of return for all refugees and internally displaced persons to Abkhazia, Georgia, reaffirms the importance of such people’s return to their homes and property, that individual property rights have not been affected by the fact that owners had to flee during the conflict and that the residency rights and the identity of those owners will be respected, and calls upon both sides to implement the Office of the United Nations High Commissioner for Refugees’ “Strategic Directions” for their return in the first instance to the Gali region;

10. Calls upon the parties to increase their bilateral contacts by making full use of all existing mechanisms as described in the relevant Council resolutions in order to come to a peaceful settlement, and to commit themselves to fulfil within a reliable time frame the conditions necessary for the safe, dignified and swift return of refugees and internally displaced persons;

11. Firmly convinced that the confidence-building measures proposed by the Group of Friends of the Secretary-General and endorsed through resolution 1752(2007) of 13 April 2007, will serve the development of broader and unbiased contacts between the communities of the divided country, regrets the lack of progress made with regard to confidence-building measures, and again urges the Georgian and Abkhaz sides to implement those measures without conditions;

12. Recalls, with a view to achieving a lasting and comprehensive settlement, its support for the principles contained in the paper on “Basic Principles for the Distribution of Competences between Tbilisi and Sukhumi”, and welcomes additional ideas that the sides would be willing to offer with a view to conducting creatively and constructively a political dialogue under the aegis of the United Nations;

13. Welcomes existing contacts and encourages further contacts between representatives of civil society, and ap-
peaks to both sides to continue to promote without reservation the active engagement of citizens and officials in such contacts;

14. **Underlines** that it is the primary responsibility of both sides to provide appropriate security and to ensure the freedom of movement throughout the zone of conflict of the Mission, the peacekeeping force of the Commonwealth of Independent States and other international personnel, and calls upon both sides to fulfill obligations in this regard and to extend full cooperation to the Mission and the peacekeeping force;

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

16. **Decides** to extend the mandate of the Mission for a new period terminating on 15 October 2008;

17. **Requests** the Secretary-General to make use of this mandate in order to encourage and support the parties in implementing measures to build confidence and to establish an intensive and meaningful dialogue, with a view to achieving a lasting and comprehensive settlement, including conducting active engagement of citizens and officials in such contacts;

18. **Strongly supports** the efforts of the Special Representative of the Secretary-General, and encourages the Group of Friends of the Secretary-General to continue giving him their steadfast and unified support;

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

**Communications.** On 15 April [A/62/802], Georgia transmitted the new proposals of President Saakashvili on the peaceful resolution of the conflicts in Georgia.

On 17 April [S/2008/257], Georgia informed the Security Council that on 16 April, Russian President Vladimir Putin had instructed the Russian Government to launch formal cooperation with the de facto authorities of Abkhazia and the Tskhinvali region/South Ossetia. That action was designed for annexing parts of Georgian territory and threatened Georgia’s sovereignty and territorial integrity. Georgia therefore requested a meeting of the Security Council. On the same day [A/62/810], Georgia informed the Secretary-General that Russia’s “very dangerous step” aimed to legalize factual annexation of Abkhazia and the Tskhinvali region/South Ossetia.


**Security Council consideration (April).** Meeting in closed session on 23 April [meeting 5874], Council members and David Bakradze, Minister for Foreign Affairs of Georgia, had an exchange of views.

**Communication.** On 1 May [A/62/827-S/2008/298], Georgia transmitted a 30 April joint statement of the Presidents of Ukraine and Georgia expressing concern over Russia’s attempt to call into question Georgia’s territorial integrity by elevating the status of relations with Abkhazia and South Ossetia, thereby encouraging the self-recognized republics to secede from Georgia.

**General Assembly action.** On 12 May, Georgia submitted to the General Assembly a draft resolution [A/62/L.45] on the status of internally displaced persons and refugees from Abkhazia, Georgia. The draft recognized the right of return of all refugees and internally displaced persons, regardless of their ethnicity, to Abkhazia, Georgia. The Assembly adopted the draft by a recorded vote of 14 to 11, with 105 abstentions, as resolution 62/249 (see p. 891).

**Communication.** On 27 May [S/2008/342], Georgia informed the Security Council that the UNOMIG report regarding the downing on 20 April of a Georgian unmanned aerial vehicle by a Russian military aircraft over Abkhazia was released on 26 May. Georgia requested a meeting of the Council to address the issue.

**Security Council consideration (May).** On 30 May [meeting 5900], at a closed session, Council members and the representatives of Georgia and Germany had an exchange of views on the situation in Georgia.

**Report of Secretary-General (July).** In July, the Secretary-General reported [S/2008/480] that UNOMIG continued to seek to prevent an escalation of tensions in the zone of conflict and facilitate a resumption of dialogue. However, the situation on the ground had severely deteriorated in both political and security terms.

The Abkhaz side continued to insist on the withdrawal of Georgian forces from the upper Kodori Valley and the signing of a document on non-resumption of hostilities as a precondition for re-engaging in negotiations. The Georgian side focused on President Saakashvili’s peace initiative and developed its various components. Georgia emphasized the need to change the negotiating formats, including by granting a prominent role to the EU, as a condition for progress, while the Abkhaz side remained opposed to any modification.

On 16 April, Russian Federation President Putin issued an instruction authorizing direct relations with the Abkhaz and South Ossetian de facto authorities in
a number of fields. Russia stated that the decision was aimed at supporting Russian citizens and the local population and responded to what it called Georgia’s aggressive intentions. The Georgian side protested what it considered a blatant violation of Georgia's sovereignty and territorial integrity, amounting to legalizing a factual annexation of Abkhazia and South Ossetia. In late April, the Russian Federation reinforced the Russian-manned CIS peacekeeping force stationed in the restricted weapons zone, and in May it introduced a military railway unit to rehabilitate the railways south of Sukhumi, outside the area of responsibility of UNOMIG and the CIS peacekeeping force. Differences between the two countries rose to a new level, with Georgia blaming Russia for “accelerated annexation” of Abkhazia, and Russia accusing Georgia of preparing for the imminent implementation of a military option in Abkhazia.

Concerned over those developments, senior representatives of the Group of Friends met in Berlin on 30 June, together with the Special Representative, to discuss ways to prevent further deterioration. However, the subsequent period saw a dramatic increase in violence, including indiscriminate bombings of public places in Gagra, Sukhumi and Gali on the Abkhaz-controlled side of the ceasefire line, as well as roadside explosions on the Georgian-controlled side. The bombings resulted in four fatalities, including one UNOMIG staff member.

The Secretary-General called upon every stakeholder to preserving the integrity of the ceasefire regime. He appealed to the Abkhaz side to observe the freedom of movement of UNOMIG and to the Georgian side to observe the freedom of movement of the CIS peacekeeping force.

Communication. On 10 July [S/2008/453], Georgia informed the Security Council that on 8 July Russian military aircraft had intruded into Georgian airspace, and requested a meeting of the Council.

Security Council consideration (July). On 21 July [meeting 5939], at a closed Security Council meeting, Council members and the representative of Georgia had an exchange of views.

New Special Representative. On 30 July [S/2008/518], the Secretary-General informed the Security Council of his intention to appoint Johan Verbeke (Belgium) as the Special Representative for Georgia and Head of UNOMIG. On 1 August [S/2008/519], the Council took note of that intention.

Georgian-Russian conflict

Escalation of hostilities

On 9 July, in the lower Kodori Valley, a clash between the Abkhaz and Georgian sides on the Achamkhara heights was reported. The Abkhaz side claimed that an Abkhaz de facto security post had been raided by the Georgian side, resulting in two Abkhaz reservists being injured, while the Georgian side stated that one of its patrols had been attacked while securing the Achamkhara heights in anticipation of a UNOMIG visit to the Kvarchhara Valley. It reported that three Georgian Ministry of Internal Affairs personnel had been injured. Tensions rose further after allegations by the Georgian side of mortar firing by the Abkhaz side into the Kvarchara valley on 26 July. UNOMIG began investigations of both incidents, but had to suspend them because of ensuing events the following month.

In the Zugdidi sector, existing tensions between the CIS peacekeeping force and Georgian law enforcement representatives led to the suspension in July of the sector-level tripartite meetings which—by bringing together the Georgian side, the CIS peacekeeping force and UNOMIG—had served as a forum for resolving operational issues. Following a series of bomb blasts in public places in Gagra and Sukhumi on 29 and 30 June, in which 12 people were injured, the Abkhaz de facto authorities ordered the closure of the ceasefire line as at 1 July. The most serious incident in years in the UNOMIG area of responsibility occurred on 6 July, when four people were killed and six injured following an explosion in a cafe in the town of Gali, near the Mission’s sector headquarters. Among the fatalities were a UNOMIG language assistant and the head of the Gali de facto Abkhaz security service.

During this period, UNOMIG was assisting the efforts of Germany, as the Coordinator of the Group of Friends, to advance a plan for the settlement of the Georgian-Abkhaz conflict that had been proposed by the German Minister for Foreign Affairs, Frank-Walter Steinmeier, and presented to the sides during his visit to the region in mid-July. The plan contemplated a three-phase process: agreements on security measures, including a declaration on the non-use of force and modalities for the return of internally displaced persons and refugees; economic rehabilitation and confidence-building measures; and discussions on the political status of Abkhazia. The Georgian and Abkhaz sides stated their readiness to participate in a meeting in Berlin, but predicated their support for the proposed plan on a number of conditions.

At the same time, tensions between Georgia and Russia were rising. Russian officials were increasingly insisting that the Georgian side sign non-use of force agreements with the Abkhaz and South Ossetian sides to defuse tensions and restore confidence as a basis for negotiation. Georgian officials accused the Russian Federation of attempting to annex Georgian territories and demanded again that both the negotiations and peacekeeping formats be further internationalized.
On 4 August, as exchanges of fire between the Georgian and South Ossetian sides intensified, the Abkhaz side announced the postponement of its participation in the Berlin meeting and warned that “if Georgia starts fighting against South Ossetia, Abkhazia will open a second front”.

**Communications.** On 7 August [S/2008/533], the Russian Federation requested an emergency meeting of the Security Council to consider the aggressive actions of Georgia against South Ossetia. That same day [A/62/924-S/2008/535], Georgia transmitted a statement by the President of Georgia on the latest developments in the Tskhinvali region, Georgia.

**Security Council consideration.** The Russian Federation told the Security Council, which met on 8 August [meeting 5951], that just hours after reaching agreement on holding negotiations to resolve the escalating South Ossetian conflict, Georgian military divisions had begun a massive attack against Tskhinvali, South Ossetia’s capital. The Georgian authorities had pursued the military option despite diplomatic efforts by Moscow, Tbilisi, Tskhinvali, Washington, D.C., and other capitals. The situation in the conflict zone was critical, with massive artillery fire directed against a peaceful civilian population. Georgian tanks and infantry had reportedly begun to attack the southern parts of Tskhinvali. The Council had to play its role by immediately calling for an end to the hostilities and a rejection of the use of force.

Georgia maintained that following attacks by South Ossetian separatists, it had announced a unilateral ceasefire on 7 August as a sign of its willingness to defuse tensions. President Saakashvili had explained in a televised address of that evening that he had ordered the ceasefire specifically to give the South Ossetian secessionist regime the chance to resume talks. Military action had been taken in self-defence after repeated armed provocations, and with the sole goal of protecting civilians. Additional illegal forces and military equipment were entering Georgia from Russia through the Roki tunnel. The separatists were continuing to threaten attacks outside South Ossetia, and Russian peacekeepers had told Georgia that they were unable to control the separatists, who were ignoring appeals for direct talks. The illegal separatist authorities and armed formations were under the control and direction of Russian security and defence agencies. Numerous high-ranking Russian officers among the peacekeepers, as well as other officials from the Russian military, intelligence and law-enforcement services, were serving in senior roles—a clear violation of Russia’s obligation to remain neutral. Georgia was seeking a negotiated solution to the conflict, with international engagement: Georgia’s offer of autonomy stood, with international guarantees including an elected regional parliament, an elected regional president, shared sovereignty and protections for South Ossetian identity, culture and language. Georgia had sought Russia’s constructive engagement in the region’s economic rehabilitation and agreed security arrangements. Instead, Russia had become a party to the conflict. Georgia called on the international community to condemn Russia’s continuing infringement of Georgian sovereignty and territorial integrity. Georgia was ready to immediately begin peace talks aimed at resolving the conflict. The United States called on the parties to respect the territorial integrity and sovereignty of Georgia, and called on Russia to pull its troops back and not inflame the situation by sending its forces into Georgia. France called for an immediate cessation of hostilities and a resumption of dialogue, with a view to a ceasefire.

On 8 August [S/2008/536], however, Georgia informed the Security Council that on that same day, Russian military aircraft had intruded into Georgian airspace and bombed civilians and military infrastructure. Russian army units had invaded Georgia, in the Tskhinvali region. Georgia requested a meeting of the Security Council to address the threat to Georgia’s independence, sovereignty and territorial integrity.

Georgia told the Security Council’s second meeting of 8 August [meeting 5952] that Russia had started a full-scale military invasion of Georgia, with troops entering the country and jets bombing airfields, military bases and villages. Georgia called on Russia to stop the bombing campaign, withdraw its forces and negotiate a ceasefire, adding that Georgian President Saakashvili was offering direct dialogue with Moscow.

The Russian Federation said that Georgia had carried out an attack on South Ossetia despite Russian appeals for a ceasefire, an end to that fratricidal conflict and resumption of negotiations. Georgian forces were bombarding towns, including those outside the immediate conflict zones, and had created panic among the civilian population, many of whom were trying to flee to safety. Many of the people living in South Ossetia were Russian citizens. Georgia’s actions had caused casualties among Russian peacekeepers. Russia was present on the territory of Georgia on an absolutely legal basis, pursuant to its peacekeeping mission in accordance with international agreements.

**Heightened conflict and ceasefire**

The escalating hostilities in South Ossetia on 7 and 8 August and the ensuing Georgian-Russian conflict profoundly affected the situation in the Georgian-Abkhaz zone of conflict and the overall conflict-settlement process. On 8 August, the Abkhaz side began introducing heavy weapons into the restricted
weapons zone in violation of the 1994 Moscow Agreement [YUN 1994, p. 583]; and on 9 August, a series of bombardments was carried out in the upper Kodori Valley. The same day, Russian forces reportedly carried out aerial attacks in western Georgia, including on the railway station and military base in Senaki and the seaport of Poti—all located outside the zone of conflict—as well as around the town of Zugdidi.

Georgia [S/2008/537] requested another meeting of the Security Council on the military aggression launched by Russia against Georgia.

Meanwhile, Abkhaz de facto authorities requested UNOMIG on 9 August to leave immediately its team base in Adjara in the upper Kodori Valley. When exiting through the lower Kodori Valley, the patrol heard sounds of an aerial attack from the direction of the upper Kodori Valley and saw a convoy of Abkhaz tanks and military personnel in the lower Kodori Valley. On the same day, the Abkhaz de facto Ministry of Defence declared that aerial strikes had been carried out on the military infrastructure in the upper Kodori Valley. After entering the Kodori Valley, the Abkhaz side claimed to have found heavy weapons and found evidence of the presence of personnel of the Georgian Ministry of Defence and accommodation facilities suitable for some thousands of personnel. UNOMIG indicated that the infrastructure in the upper Kodori Valley was suitable for the accommodation of personnel in numbers exceeding those provided by the Georgian side. UNOMIG was not able to resume its regular patrolling of the Kodori Valley since its team withdrew on 9 August, however, as the CIS peacekeeping force indicated that the safety of UNOMIG staff could not be guaranteed.

On 10 August, an air attack was reported on the Georgian signals unit south of the village of Urta; and on the same and following day, Russia introduced large numbers of troops into the zone of conflict. Although the troops were initially deployed on the Gali side of the ceasefire line, they were later moved into the Zugdidi side of the zone of conflict and adjacent areas in Senaki and Poti.

The United States requested an emergency meeting of the Council on 10 August [S/2008/538] to address the escalation of violence in Georgia. On that day [S/2008/539], Georgia told the Council that all Georgian troops had withdrawn from the conflict zone in South Ossetia and a humanitarian corridor had been established for civilians south of Tskhinvali. During the ceasefire, however, Georgian forces had been bombed many times and prevented from a full withdrawal. Russia said that the crisis was due to the aggression by Georgia against South Ossetia, and that Russia had reacted appropriately to defend civilians and its peacekeepers. Russia was ready to put an end to the war, was withdrawing from South Ossetia and was ready to sign an agreement on the non-use of force. The United States said that Russia had claimed that its military operations were intended to protect its peacekeepers and civilians in South Ossetia, yet its actions went far beyond that, and its expansion of the conflict to another separatist area of Georgia suggested other motives. The Council should condemn Russia’s military assault on Georgia. Russia should carefully consider the implications of its aggression against a sovereign and democratic State.

The Secretary-General reported [S/2008/631] that from 8 to 11 August, UNOMIG issued three violation reports to the Abkhaz side for the presence of heavy military equipment in the restricted weapons zone, which the Abkhaz side refused to sign. On 10 August, the Abkhaz de facto authorities proclaimed martial law in the districts of Gali, Ochamchira and Tkvarcheli and announced partial mobilization. On several occasions, Abkhaz servicemen denied freedom of movement to UNOMIG patrols, threatening them with weapons. Seven violation reports involving nine cases of restriction of movement were issued to the Abkhaz side. A senior Georgian representative in Zugdidi informed UNOMIG on 11 August that the CIS peacekeeping force had issued an ultimatum to all Georgian law-enforcement agencies in the Zugdidi area to surrender all weapons. At the request of UNOMIG, the leadership of the CIS peacekeeping force agreed to allow law-enforcement personnel to carry side arms while on duty. Later that day, UNOMIG patrols observed that Georgian security posts at the ceasefire line that had been manned by special police forces had been abandoned, although Georgian criminal police and others remained on duty in the Zugdidi sector with side arms. Also on 11 August, the CIS peacekeeping force occupied five buildings, most of them belonging to the Georgian Ministry of Internal Affairs.

That same day [S/2008/540], Georgia requested a public emergency meeting of the Security Council on the military occupation of Georgia by the Russian Federation.

Meeting in closed session on that date [meeting 5954], the Security Council was briefed by the Under-Secretary-General for Political Affairs, B. Lynn Pascoe, and Mr. Mulet. Council members, the representative of Georgia, Mr. Pascoe and Mr. Mulet had an exchange of views.

Also on 11 August [S/2008/545], the Russian Federation again stated its position on the conflict. On 7 August, Georgian forces, in violation of the ceasefire agreements in the zone of Georgian-Ossetian conflict, had launched a military operation in South Ossetia. In the city of Tskhinval, about 1,500 peaceful civilians—most of them Russian citizens—had lost their lives. A targeted massive assault had been launched on
the Russian peacekeeping contingent which was part of the Joint Peacekeeping Forces, leading to casualties. In those circumstances, Russia had no choice but to use its right to self-defence. The use of force by Russia pursued no other goal but to protect the Russian peacekeeping contingent and Russian citizens.

Ukraine expressed concern that same day [A/62/928-S/2008/546] over the deterioration of the situation in South Ossetia (Georgia) and reaffirmed its position on Georgia’s territorial integrity and sovereignty.

On 12 August, the Abkhaz side launched a ground attack and established control over the upper Kodori Valley.

**Ceasefire plan.** On 12 August, the French presidency of the EU visited Moscow and Tbilisi, and discussions led to a six-point ceasefire plan whose provisions also affected the situation in the UNOMIG area of responsibility. The Secretary-General, in a statement of 13 August [SG/SM/11743], welcomed the acceptance by Georgia and Russia of a peace plan proposed by French President Nicolas Sarkozy, and urged the parties to move quickly to halt the fighting. He called for immediate follow-through in implementing the agreed principles, including the end to hostilities and the withdrawal of forces to previous positions. He reiterated his support for a solution based on the respect of Georgia’s territorial integrity and sovereignty, and offered his good offices.


On 19 August [S/2008/561], France requested an emergency Security Council meeting on the situation in Georgia. On that day [meeting 5961], the Council was briefed by Mr. Pascoe, who said that agreement to six principles sponsored by the French Presidency of the EU had ended the military hostilities. Those principles were: commitment by all parties to renounce the use of force; immediate and definitive cessation of hostilities; free access to humanitarian aid; withdrawal of Georgian forces to their places of permanent deployment; withdrawal of Russian forces to their lines of deployment prior to 7 August 2008; and convening of international discussions on lasting security and stability arrangements for Abkhazia, Georgia, and South Ossetia, Georgia. The implementation of those principles would allow for the provision of international assistance, defuse the situation and offer hope for a political solution. As a result of the hostilities, 158,600 people had been displaced: 98,600 within Georgia, about 30,000 within South Ossetia and another 30,000 in other parts of the area. The United Nations was ready to facilitate international discussions to implement the accord and to take part in concrete arrangements for a settlement.

**Post-ceasefire events**

On 26 August, the Russian President stated that the attack by Georgia on South Ossetia had left Russia with no choice but to recognize Abkhazia and South Ossetia as independent States. In response to strong international criticism and support expressed for Georgia’s territorial integrity, Russia stated that any return to status quo ante was no longer possible in the light of the genocide in South Ossetia.

The next day [S/2008/587], Georgia requested a Security Council meeting to consider the illegal unilateral actions of the Russian Federation with regard to two Georgian provinces, Abkhazia and South Ossetia. On 28 August, the Parliament of Georgia declared Abkhazia and South Ossetia territories occupied by the Russian Federation, and the Russian peacekeepers as an occupying force. Georgia subsequently severed diplomatic relations with Russia.

Also on 28 August [meeting 5969], the Security Council was briefed by Elizabeth Spehar, Officer-in-Charge of the Department of Political Affairs, who reported that 18 checkpoints of the Russian forces remained north of Gori, Georgia, as well as in other areas. Wolfgang Weisbrod-Weber, Officer-in-Charge of the Department of Peacekeeping Operations, told the Council that UNOMIG had observed large-scale Russian troop and military hardware withdrawal from Georgia to the Abkhaz-controlled side of the ceasefire line. Nonetheless, Abkhaz forces continued to control pockets north of the Inguri River, on the Georgian side of the ceasefire line, and the situation in and around the Georgian-Abkhaz conflict zone remained tense.

On 29 August, Georgia declared that the 1994 Moscow Agreement was null and void and reiterated its commitment to the six-point ceasefire plan as the only valid basis for conflict resolution. Following those decisions, the Abkhaz side announced its intention to reinforce the “State border.”

Moldova transmitted to the Secretary-General that same day [A/62/950] a statement on the events in South Ossetia and Abkhazia. Moldova did not consider that the international recognition of Abkhazia and South Ossetia would stabilize the situation. At the same time, it seemed it inappropriate to compare the situation in Georgia with the one in Transnistria, and believed that speculations on how the situation in Abkhazia and South Ossetia might affect the Transnistrian settlement process [YUN 2007, p. 423] were counterproductive. Moldova had created very favourable prerequisites for its settlement, and there was political will on all sides participating in the settlement to the conflict.

On 1 September, Georgia decided to terminate the CIS peacekeeping operation in Abkhazia, Georgia.
On 7 September, UNOMIG, accompanied by the CIS peacekeeping force, conducted a special patrol to the Kodori Valley. Abkhaz forces were occupying the entire Valley, and a battalion of CIS peacekeepers was stationed there. It found that the UNOMIG Kodori team base in Adjara was occupied by Abkhaz personnel. All the movable assets that had been left at the base on 9 August were missing.

On 8 September, the French presidency of the EU and the Russian President elaborated provisions for implementing the six-point ceasefire plan, which were agreed upon on the same day by the President of Georgia. Among those provisions, it was reaffirmed that UNOMIG observers would continue to carry out their mandate as had existed on 7 August, subject to possible future adjustments decided on by the Security Council.

Meanwhile, the next day, the Russian Minister for Foreign Affairs and the Abkhaz de facto Foreign Minister signed a document establishing formal diplomatic relations, followed by the signing of an agreement on friendship, cooperation and mutual assistance in Moscow on 17 September.


Report of Secretary-General (October). In a 3 October report [S/2008/631], the Secretary-General stated that following the outbreak of hostilities in South Ossetia in August, the context in which UNOMIG had operated during the past 14 years had changed considerably. It was not yet known which features, if any, of the Moscow Agreement—the basis of the Mission’s observation mandate—would be retained when the security discussions concluded. As long as international involvement in the Georgian-Abkhaz conflict was seen as helping to prevent future conflict, however, UNOMIG might be called upon to make a contribution, and both the Georgian and Abkhaz sides supported its continuation. In that context, the Secretary-General recommended extending the Mission for a four-month period.

Communications. On 6 October [S/2008/637], the Russian Federation informed the Council that the deployment of the mission of EU observers in the security zones along the borders of Abkhazia and South Ossetia was proceeding smoothly. They were beginning to interact with the Russian peacekeepers, who were being withdrawn from those zones. At the same time, the situation remained tense and dangerous incidents persistently occurred. Nevertheless, Russia intended to complete the withdrawal of its military from Georgia on time, by 10 October.

On 24 October [A/63/508-S/2008/674], Georgia transmitted a statement of its Parliament on facts concerning violations of the ceasefire agreement by the Russian Federation.

Security Council consideration (October). At a closed meeting on 9 October [meeting 5991], Mr. Mulet briefed Security Council members and representatives of UNOMIG troop-contributing countries. The briefing was followed by an exchange of views.

SECURITY COUNCIL ACTION


The Security Council,
Recalling all its relevant resolutions, including resolution 1808(2008) of 15 April 2008,
Taking note of the reports of the Secretary-General of 23 July and 3 October 2008,
1. Decides to extend the mandate of the United Nations mission for a new period terminating on 15 February 2009;
2. Decides also to remain actively seized of the matter.

Year-end developments. In a later report [S/2009/69 & Corr.1], the Secretary-General proposed measures that could be a basis for an effective security regime, and that the Council endorse the continued presence of a UN mission retaining the existing configuration and deployment. He also noted that as a result of recent events, the position of the Mission, whose operation and security depended largely on the goodwill of the sides, and which had continued its activities of patrolling, observation and liaison in its area of responsibility, had become precarious and could rapidly become unsustainable.

The security regime based on the Moscow Agreement had seen further erosion. The Collective CIS Peacekeeping Force, which had been in place in the conflict zone for the previous 14 years, was officially terminated by the decision adopted at the meeting of the Council of the Heads of State of CIS, held in Bishkek on 10 October. Russian armed forces remained deployed on the Abkhaz-controlled side of the zone of conflict. Georgian and Abkhaz forces were deployed on their respective sides of the ceasefire line, facing each other in a potentially dangerous stand-off. The Special Representative and the Mission maintained regular contacts with the Georgian and Abkhaz sides, urging them to comply with the spirit of the Moscow Agreement and inviting their views on a possible future UN mission. The Special Representative also held consultations with senior representatives...
of the Russian Federation, the United States, the EU and its members, as well as the OSCE.

In October, the Abkhaz side destroyed several improvised pedestrian bridges in the Gali Sector to prevent “illegal” crossing of the ceasefire line. Afterwards, the Abkhaz de facto authorities announced that there were three “official” crossing points: at the Inguri River bridge and at the villages of Saberio and Meore Otobaya.

Subsequently, on 23 October, the Parliament of Georgia adopted a law declaring Abkhazia and South Ossetia “occupied territories” and the Russian Federation a “military occupier”. The law, signed on 31 October by President Saakashvili of Georgia, declared null and void all legislative and administrative acts issued by the de facto authorities in Abkhazia and South Ossetia. It also restricted access to these territories and prohibited economic and financial activities that did not comply with Georgian law.

The Russian Parliament ratified on 4 November the Russian-Abkhaz and Russian-South Ossetian treaties on friendship, cooperation and mutual assistance. Russian officials stated that the presence of Russian armed forces in Abkhazia and South Ossetia would be based on those documents and announced plans for the establishment of military bases and the deployment of 3,700 troops in Abkhazia and South Ossetia each.

A Georgian serviceman was killed on 15 November during an exchange of fire close to Kalagali village. While the UN police and personnel of the EU monitoring mission were inspecting the scene of the incident, a second round of shooting came from the Abkhaz-controlled side. Following another exchange of fire in Ganmukhuri on 20 November, at the same time as a UN police patrol was examining the scene, another round of shootings occurred. In both incidents, the Abkhaz side claimed that it opened fire to prevent an armed group from crossing the ceasefire line; however, the Mission could not find evidence substantiating that claim.

In October, November and December, UNOMIG conducted three patrols to the upper Kodori Valley to assess the security and humanitarian conditions, including the situation regarding the return of the population displaced as a result of the August events. The patrols spoke with several inhabitants and members of the new de facto local administration, and the Abkhaz de facto authorities announced that all the local population, estimated in 2002 at up to 2,000, could return if the displaced persons obtained Abkhaz “passports” and gave up their Georgian citizenship. In December, UNOMIG observed a convoy of Russian forces composed of heavy military equipment entering the security zone. According to information provided by the Russian forces, their deployment in the security zone was concentrated in five areas along the ceasefire line, stretching from the upper Gali district to the Black Sea coast. The Mission also reported the introduction of heavy weapons and military personnel by the Abkhaz side into the zone of conflict. The Special Representative and the Chief Military Observer urged the Abkhaz side to comply with the spirit of the Moscow Agreement and to withdraw their military material from the zone of conflict.

Pursuant to the six-point ceasefire agreement (see p. 456) and subsequent implementing measures, the Special Representative co-chaired, together with representatives of the EU and OSCE, three rounds of international discussions in Geneva, in which delegations from Georgia, the Russian Federation and the United States, as well as Abkhaz and South Ossetian representatives participated. In the second round (18–19 November) two working groups—on security and stability and on refugees and internally displaced persons—agreed to focus on practical issues; and at the third round (17–18 December) the working group on security and stability discussed a proposal for joint incident prevention and response mechanisms. Although all participants agreed on most elements of the proposed mechanisms, differences prevented an agreement. The working group on refugees and internally displaced persons discussed concrete steps to improve the living conditions of the displaced population. Participants agreed in principle to hold the next round of discussions in Geneva in February 2009.

On 23 December, the Russian Minister for Foreign Affairs and the de facto Minister for Foreign Affairs of Abkhazia signed a memorandum of understanding on cooperation in international affairs. The Russian Minister for Foreign Affairs announced that additional agreements, including an agreement on military cooperation and joint protection of “Abkhazia’s borders”, would be signed at the beginning of 2009.

**Humanitarian situation and human rights**

The UNOMIG Human Rights Office in Abkhazia continued to promote human rights protection and to provide support to local non-governmental organizations (NGOs), except when its activities in the zone of conflict were restricted due to the events in August. It continued to facilitate the Assisting Communities Together project, which promoted small grants to local NGOs to carry out human rights education and training projects. The Office conducted regular monitoring visits to detention facilities, monitored court trials and provided legal advisory services to the local population. It also gathered first-hand information from victims, witnesses and other reliable sources; it monitored and followed up on individual cases related to due process and the right to a fair trial, the treatment of detainees, the illegal occupation of
property, the right to adequate housing, and housing and property rights.

From 4 to 7 February, the Office, the Mission gender focal point and the UN police held a seminar in Pitsunda on the protection of women and minors against domestic violence. From 12 to 18 August, UNHCR and its implementing partners assisted approximately 1,000 internally displaced persons from the upper Kodori Valley, who were transported to Kutaisi where the Government of Georgia provided them with temporary accommodation.

UNHCR, together with its partners, completed its planned activities including community-based protection and confidence-building, education-related projects, basic shelter repair, income generation, agricultural support and training.

Financing

On 20 June [meeting 109], the General Assembly, having considered the Secretary-General’s reports on the UNOMIG budget for the periods from 1 July 2006 to 30 June 2007 [A/62/633] and from 1 July 2008 to 30 June 2009 [A/62/680] and ACABQ comments and recommendations [A/62/781/Add.1.], adopted, on the recommendation of the Fifth Committee [A/62/873], resolution 62/260 without vote [agenda item 149].

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 report of the Advisory Committee on Administrative and Budgetary Questions,

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

Recalling also Security Council resolution 858(1993) of 24 August 1993, by which the Council established the United Nations Observer Mission in Georgia, and the subsequent resolutions by which the Council extended the mandate of the Observer Mission, the latest of which was resolution 1808(2008) of 15 April 2008,

Recalling further its decision 48/475 A of 23 December 1993 on the financing of the Observer Mission and its subsequent resolutions and decisions thereon, the latest of which was resolution 61/283 of 29 June 2007,

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

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

1. Requests the Secretary-General to entrust the Head of Mission with the task of formulating future budget proposals in full accordance with the provisions of General Assembly resolutions 59/296 of 22 June 2005, 60/266 of 30 June 2006 and 61/276 of 29 June 2007, as well as other relevant resolutions;

2. Takes note of the status of contributions to the United Nations Observer Mission in Georgia as at 31 March 2008, including the contributions outstanding in the amount of 9.3 million United States dollars, representing some 3 per cent of the total assessed contributions, notes with concern that only sixty-nine Member States have paid their assessed contributions in full, and urges all other Member States, in particular those in arrears, to ensure payment of their outstanding assessed contributions;

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

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

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

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

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

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

9. Decides to maintain the staffing for the General Services Office for the Observer Mission at the level currently funded under the provisions of its resolution 61/283;

10. Requests the Secretary-General to ensure the full implementation of the relevant provisions of its resolutions 59/296, 60/266 and 61/276;

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

12. Further requests the Secretary-General, in order to reduce the cost of employing General Service staff, to continue efforts to recruit local staff for the Observer Mission against General Service posts, commensurate with the requirements of the Mission;
Financial performance report for the period from 1 July 2006 to 30 June 2007

13. Takes note of the report of the Secretary-General on the financial performance of the Observer Mission for the period from 1 July 2006 to 30 June 2007;

Budget estimates for the period from 1 July 2008 to 30 June 2009

14. Decides to appropriate to the Special Account for the United Nations Observer Mission in Georgia the amount of 36,084,000 dollars for the period from 1 July 2008 to 30 June 2009, inclusive of 34,484,200 dollars for the maintenance of the Observer Mission, 1,394,600 dollars for the support account for peacekeeping operations and 205,200 dollars for the United Nations Logistics Base;

Financing of the appropriation

15. Also decides to apportion among Member States the amount of 10,524,500 dollars for the period from 1 July to 15 October 2008, in accordance with the levels updated in General Assembly resolution 61/243 of 22 December 2006, and taking into account the scale of assessments for 2008, as set out in its resolution 61/237 of 22 December 2006;

16. Further 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 747,804 dollars, comprising the estimated staff assessment income of 703,996 dollars approved for the Observer Mission, the prorated share of 39,083 dollars of the estimated staff assessment income approved for the support account and the prorated share of 4,725 dollars of the estimated staff assessment income approved for the United Nations Logistics Base;

17. Decides to apportion among Member States the amount of 25,559,500 dollars for the period from 16 October 2008 to 30 June 2009 at a monthly rate of 3,007,000 dollars, in accordance with the levels updated in resolution 61/243, and taking into account the scale of assessments for 2008 and 2009, as set out in resolution 61/237, subject to a decision of the Security Council to extend the mandate of the Observer Mission;

18. Also decides that, in accordance with the provisions of its resolution 973(X), there shall be set off against the apportionment among Member States, as provided for in paragraph 17 above, their respective share in the Tax Equalization Fund of 1,816,096 dollars, comprising the estimated staff assessment income of 1,709,704 dollars approved for the Observer Mission, the prorated share of 94,917 dollars of the estimated staff assessment income approved for the support account and the prorated share of 11,475 dollars of the estimated staff assessment income approved for the United Nations Logistics Base;

19. Further decides that, for Member States that have fulfilled their financial obligations to the Observer Mission, there shall be set off against their apportionment, as provided for in paragraph 15 above, their respective share of the unencumbered balance and other income in the amount of 1,906,700 dollars in respect of the financial period ended 30 June 2007, in accordance with the levels updated in resolution 61/243, and taking into account the scale of assessments for 2007, as set out in resolution 61/237;

20. Decides that, for Member States that have not fulfilled their financial obligations to the Observer Mission, there shall be set off against their outstanding obligations their respective share of the unencumbered balance and other income in the total amount of 1,906,700 dollars in respect of the financial period ended 30 June 2007, in accordance with the scheme set out in paragraph 19 above;

21. Also decides that the decrease of 85,100 dollars in the estimated staff assessment income in respect of the financial period ended 30 June 2007 shall be set off against the credits from the amount of 1,906,700 dollars referred to in paragraphs 19 and 20 above;

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

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

24. 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;

25. Decides to include in the provisional agenda of its sixty-third session the item entitled “Financing of the United Nations Observer Mission in Georgia”.

By decision 63/552 of 24 December, the Assembly decided that the agenda item on the financing of UNOMIG would remain for consideration during its resumed sixty-third (2009) session.

Armenia and Azerbaijan


Communication. On 5 March [A/62/724-S/2008/163], Azerbaijan informed the Secretary-General that since early morning on 4 March, the Armenian occupying forces had violated the ceasefire regime, which led to escalation. The Azerbaijani Army had repulsed the attacks. Four Azerbaijani military personnel were killed and the Armenian forces lost 12 military personnel. The violation of the ceasefire

Introducing the draft resolution, Azerbaijan said that it did not accept the argument that the text was unilateral and untimely. It had been prepared in accordance with international law and was impartial. It had been prompted by unfolding circumstances, both regionally and internationally, which had heightened concerns over the status of the settlement process. It was, therefore, apropos and timely. Azerbaijan was concerned and alarmed at the lack of clear proposals from the Co-Chairs of the osce Minsk Group with regard to the resolution of issues regarding the liberation of all of the occupied territories and the return of the Azerbaijani population to Nagorno-Karabakh. The Co-Chairs had no right to deviate from the principle of territorial integrity for the sake of their “notorious neutrality”. Such neutrality was not a position, but a lack of one. There could be no neutrality when the norms of international law were violated. Four Security Council resolutions adopted in 1993 demanded the withdrawal of the occupying forces from Azerbaijan and the creation of the conditions for the return of internally displaced persons, while the General Assembly’s dispatch of a fact-finding mission to the occupied territories in 2005 had confirmed the Armenian settlement of the territories.

Calling the resolution a wasted attempt to prede-etermine the outcome of the peace talks, Armenia said that was not how responsible members of the international community conducted the difficult but rewarding mission of bringing peace and stability to peoples and regions. The three Minsk Group Co-Chairs had found that the draft resolution did not help the peace talks, and the Assembly should follow their lead. Refugees and territories were a problem created by Azerbaijan, which had unleashed war against people it claimed as its sovereign citizens. Only when the initial cause was resolved would the fate of all the territories and refugees concerned be put right.

The United States noted that the Minsk Group Co-Chairs had proposed a set of basic principles for the peaceful settlement of the conflict to the two sides in November 2007 on the margins of the osce Ministerial Council in Madrid. The proposal comprised a balanced package of principles currently under negotiation. The draft resolution did not consider the proposal in its balanced entirety. Because of that selective approach, the Co-Chairs opposed that unilateral text, which threatened to undermine the peace process. However, the negotiators reaffirmed their support for Azerbaijan’s territorial integrity, and thus did not recognize the independence of Nagorny Karabakh. In light of the clashes along the line of contact, which had occasioned loss of life, both sides must refrain from unilateral actions, either at the negotiations table or in the field.

GENERAL ASSEMBLY ACTION

On 14 March [meeting 86], the Assembly adopted resolution 62/243 [draft: A/62/L.42] by recorded vote (39-7-100) [agenda item 20].

The situation in the occupied territories of Azerbaijan

The General Assembly,

Guided by the purposes, principles and provisions of the Charter of the United Nations,


Recalling also the report of the fact-finding mission of the Minsk Group of the Organization for Security and Cooperation in Europe to the occupied territories of Azerbaijan surrounding Nagorno-Karabakh and the letter on the fact-finding mission from the Co-Chairmen of the Minsk Group addressed to the Permanent Council of the Organization for Security and Cooperation in Europe,

Taking note of the report of the environmental assessment mission led by the Organization for Security and Cooperation in Europe to the fire-affected territories in and around the Nagorno-Karabakh region,

Reaffirming the commitments of the parties to the conflict to abide scrupulously by the rules of international humanitarian law,

Seriously concerned that the armed conflict in and around the Nagorno-Karabakh region of the Republic of Azerbaijan continues to endanger international peace and security, and mindful of its adverse implications for the humanitarian situation and development of the countries of the South Caucasus,

1. Reaffirms continued respect and support for the sovereignty and territorial integrity of the Republic of Azerbaijan within its internationally recognized borders;

2. Demands the immediate, complete and unconditional withdrawal of all Armenian forces from all the occupied territories of the Republic of Azerbaijan;

3. Reaffirms the inalienable right of the population expelled from the occupied territories of the Republic of Azerbaijan to return to their homes, and stresses the necessity of creating appropriate conditions for this return, including the comprehensive rehabilitation of the conflict-affected territories;
4. Recognizes the necessity of providing normal, secure and equal conditions of life for Armenian and Azerbaijani communities in the Nagorno-Karabakh region of the Republic of Azerbaijan, which will allow an effective democratic system of self-governance to be built up in this region within the Republic of Azerbaijan;

5. Reaffirms that no State shall recognize as lawful the situation resulting from the occupation of the territories of the Republic of Azerbaijan, nor render aid or assistance in maintaining this situation;

6. Expresses its support to the international mediation efforts, in particular those of the Co-Chairmen of the Minsk Group of the Organization for Security and Cooperation in Europe, aimed at peaceful settlement of the conflict in accordance with the norms and principles of international law, and recognizes the necessity of intensifying these efforts with a view to achieving a lasting and durable peace in compliance with the provisions stipulated above;

7. Calls upon Member States and international and regional organizations and arrangements to effectively contribute, within their competence, to the process of settlement of the conflict;

8. Requests the Secretary-General to submit to the General Assembly at its sixty-third session a comprehensive report on the implementation of the present resolution;

9. Decides to include in the provisional agenda of its sixty-third session the item entitled “The situation in the occupied territories of Azerbaijan”.

RECORDED VOTE ON RESOLUTION 62/243:

In favour: Afghanistan, Azerbaijan, Bahrain, Bangladesh, Brunei Darussalam, Cambodia, Colombia, Comoros, Djibouti, Gambia, Georgia, Indonesia, Iraq, Jordan, Kuwait, Libyan Arab Jamahiriya, Malaysia, Maldives, Moldova, Morocco, Myanmar, Niger, Nigeria, Oman, Pakistan, Qatar, Saudi Arabia, Senegal, Serbia, Sierra Leone, Somalia, Sudan, Turkey, Tuvalu, Uganda, Ukraine, United Arab Emirates, Uzbekistan, Yemen.

Against: Angola, Armenia, France, India, Russian Federation, United States, Vanuatu.

Abstaining: Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Barbados, Belgium, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Cameroon, Canada, Chile, China, Congo, Costa Rica, Croatia, Cyprus, Czech Republic, Democratic People’s Republic of Korea, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Estonia, Finland, Germany, Ghana, Greece, Grenada, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kenya, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Saint Lucia, Samoa, San Marino, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Suriname, Swaziland, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, United Kingdom, Uruguay, Venezuela, Zambia.

Communications. On 7 April [A/62/789-S/2008/227], Azerbaijan transmitted to the Secretary-General a resolution entitled “The Aggression of Armenia against the Republic of Azerbaijan”, adopted by the eleventh session of the Islamic Summit Conference (Dakar, Senegal, 13–14 March), as well as paragraph 43 of the Bucharest Summit Declaration, issued by the heads of State and Government participating in the meeting of the North Atlantic Council (Bucharest, Romania, 3 April). Azerbaijan noted that, following the General Assembly, the Organization of the Islamic Conference and NATO also reaffirmed the sovereignty and territorial integrity of Azerbaijan, calling for the peaceful settlement of the conflict on the basis of those principles.

Moscow Declaration. On 6 November [A/63/527], Armenia transmitted to the Secretary-General the text of the declaration adopted by the Presidents of Armenia, Azerbaijan and the Russian Federation at their meeting in Moscow on 2 November. The Presidents pledged to work to improve the situation in the South Caucasus and establish stability and security through a political settlement of the Nagorno Karabakh conflict; affirmed the importance of the mediation efforts of the OSCE Minsk Group Co-Chairs, taking into account the meeting of the parties in Madrid on 29 November 2007 and subsequent discussions; agreed that a settlement should be accompanied by legally binding international guarantees; and noted that the Presidents of Armenia and Azerbaijan had agreed to continue their work to reach a political settlement of the conflict and had instructed their Foreign Ministers to take further action in the negotiations in liaison with the OSCE Minsk Group Co-Chairs.

On 10 December [A/63/596], Armenia transmitted to the Secretary-General a joint declaration of the Foreign Ministers and Deputy Ministers of France, the Russian Federation and the United States on Nagorno-Karabakh, adopted at the OSCE ministerial meeting held in Helsinki on 4 December. The Ministers called on the parties to build on the momentum established during the Moscow meeting of 2 November. The Moscow Declaration signed that day opened a promising phase in the endeavour to expand peace in the South Caucasus. In that declaration, the Presidents reaffirmed their commitment to advancing a peaceful settlement in the framework of the Basic Principles developed by the Minsk Group Co-Chairs in collaboration with the leaders of Armenia and Azerbaijan on the basis of the proposals advanced in Madrid. The Ministers called on the parties to: work with the Co-Chairs to finalize the Basic Principles and begin drafting a comprehensive peace settlement, and to develop confidence-building measures, beginning with pulling back snipers from the Line of Contact; and work with each other, the Co-Chairs and the Personal Representative of the Chairman-in-Office to stabilize the ceasefire.

Other communications were submitted by Azerbaijan to the General Assembly and the Security Council on 14 January [A/62/651-S/2008/27], 7 Feb-

The General Assembly, by decision 63/552 of 24 December, decided that the agenda item on the situation in the occupied territories of Azerbaijan would remain for consideration during its resumed sixty-third (2009) session.

Organization for Democracy and Economic Development

Communication. On 17 July [A/62/916], Azerbaijan, as chair of the Organization for Democracy and Economic Development—GUAM (Azerbaijan, Georgia, Moldova, Ukraine) [YUN 2006, p. 486], transmitted to the Secretary-General the summary report of the International Conference on Basic Principles for the Settlement of the Conflicts on the Territories of the GUAM States (Baku, Azerbaijan, 15–16 April). At the Conference, the GUAM States, together with officials from Latvia, Lithuania, Poland, Romania, Slovenia and Switzerland and representatives of leading academic institutions, addressed issues of international law, including those relating to correlation between the principles of the territorial integrity of States and the right of people to self-determination; consequences of the illegal use of force and territorial acquisitions; and the responsibility for internationally wrongful acts and perspectives of making use of mechanisms of the international judicial institutions to that end.

The General Assembly, by decision 63/552 of 24 December, decided that the agenda item “Protracted conflicts in the GUAM area and their implications for international peace, security and development” would remain for consideration during its resumed sixty-third (2009) session.

Cyprus

During 2008, progress was made in resolving the Cyprus problem. The Secretary-General’s Special Representative in Cyprus continued to assist the two sides in implementing the 8 July 2006 Set of Principles and Decision [YUN 2006, p. 487], which included commitment to the unification of Cyprus based on a bizonal, bicomunal federation and political equality, and an agreement to meet regularly on issues affecting day-to-day life of the Cypriot people. The Greek and Turkish Cypriot leaders agreed to establish working groups and technical committees, and in September launched full-fledged negotiations under UN auspices, aimed at finding a mutually acceptable solution.

The United Nations Peacekeeping Force in Cyprus (UNFICYP) continued to cooperate with its UN partners and local actors to facilitate projects benefiting both Greek and Turkish Cypriots in and outside the buffer zone and to promote confidence-building measures between them. The Security-Council extended the UNFICYP mandate twice during the year, the second time until 15 June 2009.

Incidents and position statements


On 14 November [A/63/554-S/2008/719], Cyprus informed the Secretary-General that, on 13 November, vessels legitimately conducting exploratory surveys within the exclusive economic zone of Cyprus received threats by a Turkish warship and were forced to withdraw within the territorial waters of Cyprus. On 26 November [A/63/574-S/2008/741], Turkey transmitted a letter from the “Turkish Republic of Northern Cyprus” stating that the Greek Cypriot side’s unilateral activities regarding the delimitation of maritime jurisdiction before a comprehensive settlement violated the rights and interests of the Turkish Cypriot people, who had equal rights and say over the natural resources in and around the island. Also on 26 November [A/63/575-S/2008/742], Cyprus reported that the harassment of vessels by Turkish warships within the exclusive economic zone of Cyprus had continued unabated, in complete disregard of Cyprus’s sovereign rights.
Other communications were transmitted by Turkey from the “Turkish Republic of Northern Cyprus” on 25 January [A/62/666-S/2008/56] and 28 November [A/63/578-S/2008/749, A/63/579-S/2008/750], and by Cyprus on 25 September [A/63/378].

**Good offices mission**

On 21 March, Demetris Christofias, who became President following elections in Cyprus in February, met with Mehmet Ali Talat, the Turkish Cypriot leader, in the presence of the Special Representative, and agreed on a path towards a comprehensive settlement. The agreement entailed the establishment of a number of working groups to consider the core issues pertaining to an eventual settlement plan, and of technical committees to seek immediate solutions to everyday problems. Moreover, the leaders decided to open a crossing at Ledra Street in the centre of old town Nicosia, which had for many years been a symbol of the division of Cyprus.

On 25 January, the “Turkish Republic of Northern Cyprus” issued a joint statement reaffirming their commitment to reaching a comprehensive settlement under the auspices of the Secretary-General. From late March, the Under-Secretary-General for Political Affairs, Lynn Pascoe, met five times with President Christofias and Mr. Talat, and both confirmed their commitment to finding a mutually acceptable solution to the Cyprus problem. They also recognized that although some progress had been made, it had been insufficient.

The Secretary-General noted [S/2008/744] that efforts to solve the Cyprus problem had entered a new phase and that the decision to resume fully fledged negotiations was encouraging. Differences along the way would naturally appear, considering that the issues to be addressed were difficult. Nonetheless, he expressed optimism about the process, and underscored that the parties should not neglect the political aspects of the process, explaining to their communities the benefits of a solution. To support the efforts of the parties throughout the process, the United Nations had adopted an integrated approach that maximized synergies among the good-offices mission and UNFICYP.

**UNFICYP**

In 2008, the United Nations Peacekeeping Force in Cyprus (UNFICYP), established in 1964 [YUN 1964, p. 165], continued 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.

On 9 April [S/2008/244], the Secretary-General informed the Security Council of his intention to appoint Tayé-Brook Zerihoun (Ethiopia) as his Special Representative in Cyprus and Head of UNFICYP, replacing Michael Møller (Denmark), who completed his assignment on 31 March. Also on 9 April [S/2008/246], the Secretary-General informed the Council of his intention to appoint Rear Admiral Mario Sánchez Debernardi (Peru) as UNFICYP Force Commander, replacing Major General Rafael José Barni (Argentina). The Council took note of those intentions on 14 April [S/2008/245, S/2008/247].

As at 31 October, UNFICYP comprised 858 troops and 69 civilian police.
The Secretary-General submitted two reports covering UNFICYP activities for the periods from 16 November 2007 to 23 May 2008 [S/2008/353] and from 24 May to 23 November [S/2008/744].

**Activities**

**Report of Secretary-General (June).** In a June report [S/2008/353], the Secretary-General noted that the situation in Cyprus remained calm and stable, with no major incidents along the ceasefire lines.

UNFICYP liaised extensively with senior commanders of the opposing forces to agree on the military-technical terms in order to implement the 21 March decision of the leaders and prepare for the opening of the crossing point at Ledra Street. On 3 April, UNFICYP conducted a major security operation to support the opening of the crossing point on that day. An incident on the evening of 3 April resulted in a brief closing of the crossing point, which was reopened later that night and since then had been functioning without problems. However, the incident showed that both sides needed to demonstrate cooperation and restraint while managing the crossing point.

The Turkish Forces provided minefield records and maps of 16 suspected mined areas after an agreement on the guidelines for clearing those areas was reached after a protracted series of meetings. In March, a deminer from Mozambique lost a limb in a mine explosion.

The requests for facilitation from Cypriots to UNFICYP ranged from religious and educational issues, the conduct of commemorative and socio-cultural events, the evacuation of patients and the transfer of the deceased, to law enforcement matters. During the reporting period, the Force facilitated 77 bicomunal events, which brought together more than 4,117 persons from both communities. In addition, UNFICYP carried out 62 humanitarian convoys and visits in support of 375 Greek Cypriots and 136 Maronites living in the northern part of the island. It also continued to assist Turkish Cypriots in the southern part in obtaining identity documents, housing, welfare services, medical care, employment and education. The Force continued to receive with concern reports about the demolition of Greek Cypriot houses in the north.

UNFICYP continued to develop working relations with police forces on both sides of the buffer zone. Its relations with the Cyprus police had been positive and constructive, while relations with the Turkish Cypriot police were developing at a slower pace.

The Secretary-General expressed commitment to helping the parties in moving forward to the formal talks as expeditiously and smoothly as possible. He also recommended that the Council extend the UNFICYP mandate until 15 December.

**SECURITY COUNCIL ACTION**

On 17 April [meeting 5869], following consultations among Security Council members, the President made statement S/PRST/2008/9 on behalf of the Council:

The Security Council warmly welcomes the agreement reached on 21 March 2008 by the Greek Cypriot and Turkish Cypriot leaders and commends them for the political leadership they have shown.

The Council is encouraged by the launch of the working groups and technical committees that will prepare the ground for the start of fully fledged negotiations, in spirit of good faith, on a comprehensive and durable settlement under the auspices of the Secretary-General’s good offices mission. The Council looks forward to the results of this preparatory process within the three-month timeline agreed by the two leaders, which, it is hoped, will build trust, momentum and a sense of common interest in the search for a just and lasting solution.

The Council further welcomes the opening of the Ledra Street crossing as an indication of political will to tackle issues that have obstructed progress and an important signal that both sides seek to improve the lives of all Cypriots. The Council looks forward to further such confidence-building measures.

The Council reaffirms its commitment to the reunification of Cyprus based on a bicomunal, bizonal federation and political equality, as set out in the relevant Council resolutions, and its willingness to support the efforts of the Secretary-General to this end. In this context, the Council welcomes the readiness of the Secretary-General to assist the parties in Cyprus, and further welcomes the prospect of the appointment, after the completion of the preparatory period and based on progress, of a Special Adviser to facilitate movement towards a comprehensive settlement.

The Council welcomes the appointment of Mr. Tayé-Brook Zerihoun as the new Special Representative of the Secretary-General in Cyprus, and expresses its appreciation for the work of the previous Special Representative, Mr. Michael Møller.

**Security Council consideration.** On 9 June [meeting 5906], in a closed meeting, the Special Representative briefed the Security Council and countries contributing troops to UNFICYP. The briefing was followed by an exchange of views.

**SECURITY COUNCIL ACTION**


The Security Council,
Welcoming the report of the Secretary-General of 2 June 2008 on the United Nations operation in Cyprus,
Noting that the Government of Cyprus has agreed that, in view of the prevailing conditions on the island, it is necessary to keep the United Nations Peacekeeping Force in Cyprus beyond 15 June 2008,
Echoing the Secretary-General’s firm belief that the responsibility of finding a solution lies first and foremost with the Cypriots themselves, and that there now exists an important window of opportunity to make decisive progress, which must be fully utilized by all parties in the search for a comprehensive solution, and noting the primary role of the United Nations in assisting the parties to bring the Cyprus conflict and division of the island to a comprehensive and durable settlement,

Welcoming the agreement of 21 March 2008 and the joint statement of 23 May 2008, which, inter alia, have demonstrated a renewed political willingness to support and engage fully and in good faith with the United Nations efforts, reaffirmed the commitment of the leaders to a bicomunal, bizonal federation with political equality, as set out in the relevant Security Council resolutions, and to consider further civilian and military confidence-building measures,

Welcoming also the opening of the Ledra Street crossing, which has helped to foster greater trust and interaction between the two communities, reaffirming the importance of continued crossings of the Green Line by Cypriots, and encouraging the opening of other crossing points,

Welcoming further the intention of the Secretary-General to appoint a Special Adviser at the appropriate time and to keep the Council informed of further developments and progress,

Taking note of the assessment of the Secretary-General that the security situation on the island and along the Green Line remains generally stable, welcoming the decrease in the overall number of incidents involving the two sides, and urging both sides to avoid any action, including restrictions on the movements of the Force, which could lead to an increase in tension,

Welcoming the coordination arrangements agreed with the United Nations to address unauthorized construction within the buffer zone, including large-scale commercial projects, and echoing the Secretary-General’s firm belief that the situation in the buffer zone would be improved if both sides accepted the 1989 aide-memoire used by the United Nations,

Welcoming also the agreement with the Turkish forces to proceed with demining activities, but urging that further guidelines be agreed to permit such activities to take place in all outstanding minefields, and noting with concern that funding for the Mine Action Centre beyond 2008 has not yet been secured but that this work will need to continue beyond that period,

Welcoming also the progress and continuation of the important activities of the Committee on Missing Persons in Cyprus, and expressing the hope that this process will promote reconciliation between the communities,

Agreeing that an active and flourishing civil society is essential to the political process, and welcoming all efforts to promote bicomunal contacts and events, including on the part of all United Nations bodies on the island, and urging the two sides to promote the active engagement of civil society and the encouragement of cooperation between economic and commercial bodies and to remove all obstacles to such contacts,

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

Welcoming the appointment of Mr. Tayé-Brook Zerihoun as the new Special Representative of the Secretary-General in Cyprus, and echoing the Secretary-General’s appreciation for the work of the previous Special Representative, Mr. Michael Møller,

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

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

1. Welcomes the analysis of developments on the ground over the last six months in the report of the Secretary-General;

2. Urges the parties to build on the present momentum and continue their efforts to identify to the greatest possible extent areas of convergence and disagreement, while preparing options, where feasible, on the more sensitive elements, and to work to ensure that fully fledged negotiations can begin expeditiously and smoothly, in line with the agreement of 21 March 2008 and the joint statement of 23 May 2008;

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

4. Expresses its full support for the United Nations Peacekeeping Force in Cyprus, and decides to extend its mandate for a further period ending 15 December 2008;

5. Calls upon both sides to continue to engage, as a matter of urgency and while respecting the mandate of the Force, in consultations with the Force on the demarcation of the buffer zone and on the United Nations 1989 aide-memoire, with a view to reaching early agreement on outstanding issues;

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

7. Requests the Secretary-General to submit a report on the implementation of the present resolution by 1 December 2008 and to keep the Security Council updated on events as necessary;

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

9. Decides to remain seized of the matter.
On 4 September [meeting 5971], following consultations among Security Council members, the President made statement S/PRST/2008/34 on behalf of the Council:

The Security Council warmly welcomes the launch of fully fledged negotiations between the two leaders, under the good offices mission of the Secretary-General, aimed at the reunification of Cyprus.

The Council commends the two leaders for the progress made since their first meeting on 21 March 2008 and supports their common approach. The Council calls upon both sides to continue to work together in a constructive and positive manner in order to reach a comprehensive and durable settlement approved in separate and simultaneous referendums. The Council looks forward to progress in the negotiations and reiterates its readiness to support the process.

The Council welcomes the appointment of Mr. Alexander Downer as the Special Adviser to the Secretary-General on Cyprus and looks forward to being briefed on the progress of the good offices process.

**Report of Secretary-General (November).** In November [S/2008/744], the Secretary-General noted that the situation in the buffer zone remained stable and that only minor incidents were recorded.

UNFICYP no longer maintained an overt military presence at the Ledra Street crossing, and crossings had continued without incident. The Secretary-General commended both sides for their decision to cancel their main annual military exercises. In a significant confidence-building measure, the National Guard cancelled the “Exercise Nikiforos” and the Turkish Forces responded by cancelling its “Exercise Toros”. However, the Turkish Forces continued to impose restrictions on the movement of UNFICYP on the Karpas peninsula and at the walled area of Varosha. Regarding the clearance of 26 Turkish Forces minefields, 17 minefields would be completed by the end of December, leaving 9 to be cleared.

Cypriots from both sides continued to seek the resolution of day-to-day issues that affected their lives, with the assistance of UNFICYP, which also continued to facilitate the normalization of conditions in the buffer zone and humanitarian assistance to both communities. Regular monthly meetings between Greek Cypriot and Turkish Cypriot political party leaders continued at the Ledra Palace Hotel under the auspices of the Embassy of Slovakia. The 54 requests made by Greek Cypriot and Maronite internally displaced and refugee families that wished to return and permanently reside in the north were still pending. Following a review of its activities in facilitating humanitarian assistance to Turkish Cypriots in the south, UNFICYP began discussions with local authorities and community representatives to further improve the humanitarian and welfare action directed to them. During the reporting period, UNFICYP, in cooperation with international and local partners, facilitated 56 bicommunal events, with the participation of nearly 5,300 persons from both communities. The Force authorized six projects in the buffer zone, outside of civil-use areas, including telecommunications infrastructure, sewage system, housing and road construction. Relations between UNFICYP and the police forces on both sides remained cooperative and constructive.

The Secretary-General recommended that the Council extend the UNFICYP mandate until 15 June 2009.

**Security Council consideration.** On 5 December [meeting 6032], in a closed meeting, the Special Representative briefed the Security Council and countries contributing troops to UNFICYP. The briefing was followed by an exchange of views.

**SECURITY COUNCIL ACTION**

On 12 December [meeting 6038] the Council unanimously adopted resolution 1847(2008). The draft [S/2008/779] was submitted by China, France, the Russian Federation, the United Kingdom and the United States.

The Security Council,

Welcoming the report of the Secretary-General of 28 November 2008 on the United Nations operation in Cyprus,

Noting that the Government of Cyprus has agreed that, in view of the prevailing conditions on the island, it is necessary to keep the United Nations Peacekeeping Force in Cyprus beyond 15 December 2008,

Echoing the Secretary-General’s firm belief that the responsibility for finding a solution lies first and foremost with the Cypriots themselves, stressing that there now exists an unprecedented opportunity to make decisive progress, and reaffirming the primary role of the United Nations in assisting the parties to bring the Cyprus conflict and division of the island to a comprehensive and durable settlement,

Welcoming the launch of fully fledged negotiations on 3 September 2008, the progress made so far and the leaders’ joint statements,

Emphasizing the importance of all parties engaging fully, flexibly and constructively in those negotiations in order to make decisive progress towards a comprehensive settlement based on a bicommmunal, bizonal federation with political equality, as set out in the relevant Security Council resolutions,

Encouraging continued momentum in the negotiations and the maintenance of goodwill and trust, looking forward to substantive progress and the full exploitation of the current opportunity, commending the Greek Cypriot and Turkish Cypriot leaders for the political leadership they have shown so far, and welcoming the intention of the Secretary-General to keep the Council informed of further development and progress,

Welcoming the announcement of confidence-building measures and the cancellation of military exercises, and looking forward to the implementation of these measures and agreement on and implementation of further steps to build trust between the communities.
Reaffirming the importance of continued crossings of the Green Line by Cypriots, reiterating its welcome of the opening of the Ledra Street crossing, encouraging the opening by mutual agreement of other crossing points, and noting in this context the commitment in the leaders’ joint statements to pursue the opening of the Limnitis/Yeşilirmak crossing point,

Convinced of the many important benefits for all Cypriots that would flow from a comprehensive and durable Cyprus settlement, and encouraging both sides clearly to explain these benefits, as well as the need for flexibility in order to secure them, to both communities well in advance of any eventual referendums,

Highlighting the supportive role that the international community will continue to play in helping the Greek Cypriot and Turkish Cypriot leaders to exploit fully the current opportunity,

Taking note of the assessment of the Secretary-General that the security situation on the island and along the Green Line remains generally stable, welcoming the decrease in the overall number of incidents involving the two sides, and urging both sides to avoid any action, including restrictions on the movements of the Force, which could lead to an increase in tension, undermine the good progress achieved so far or damage the goodwill on the island,

Recalling the Secretary-General’s firm belief that the situation in the buffer zone would be improved if both sides accepted the 1989 aide-memoire used by the United Nations,

Welcoming the progress made in proceeding with demining activities, echoing the Secretary-General’s call for the remaining minefields to be cleared, and noting with concern that funding is urgently required by the Mine Action Centre beyond 2008 to allow this work to continue beyond that period,

Welcoming also the progress and continuation of the important activities of the Committee on Missing Persons in Cyprus, and trusting that this process will promote reconciliation between the communities,

Agreeing that an active and flourishing civil society is essential to the political process, welcoming all efforts to promote bicomunal contacts and events, including on the part of all United Nations bodies on the island, and urging the two sides to promote the active engagement of civil society and the encouragement of cooperation between economic and commercial bodies and to remove all obstacles to such contacts,

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

Welcoming the appointment of Mr. Alexander Downer as the Special Adviser to the Secretary-General on Cyprus with a mandate to assist the parties in the conduct of fully fledged negotiations aimed at reaching a comprehensive settlement,

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

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

1. Welcomes the analysis of developments on the ground over the last six months in the report of the Secretary-General in accordance with his mandate;
2. Welcomes also the launch of fully fledged negotiations on 3 September 2008, and the prospect of a comprehensive and durable settlement that this has created;
3. Urges full exploitation of this opportunity, including by intensifying the momentum of the negotiations, preserving the current atmosphere of trust and goodwill and engaging in the process in a constructive and open manner;
4. Welcomes the announcement on confidence-building measures and the cancellation of military exercises, and looks forward to these measures being fully implemented as well as to agreement on further such steps, including the possible opening of other crossing points, as mentioned in the leaders’ joint statements;
5. Reaffirms all its relevant resolutions on Cyprus, in particular resolution 1251(1999) of 29 June 1999 and subsequent resolutions;
6. Expresses its full support for the United Nations Peacekeeping Force in Cyprus, and decides to extend its mandate for a further period ending 15 June 2009;
7. Calls upon both sides to continue to engage, as a matter of urgency and while respecting the mandate of the Force, in consultations with the Force on the demarcation of the buffer zone, and on the United Nations 1989 aide-memoire, with a view to reaching early agreement on outstanding issues;
8. Calls upon the Turkish Cypriot side and Turkish forces to restore in Strovolia the military status quo which existed there prior to 30 June 2000;
9. Requests the Secretary-General to submit a report on the implementation of the present resolution by 1 June 2009 and to keep the Security Council updated on events as necessary;
10. Welcomes the efforts being undertaken by the Force to implement the Secretary-General’s zero-tolerance policy on sexual exploitation and abuse and to ensure full compliance of its personnel with the United Nations code of conduct, requests the Secretary-General to continue to take all necessary action in this regard and to keep the Council informed, and urges troop-contributing countries to take appropriate preventive action, including conducting predeployment awareness training, and to take disciplinary action and other action to ensure full accountability in cases of such conduct involving their personnel;
11. Decides to remain seized of the matter.

By decision 63/552 of 24 December, the Assembly decided that the agenda item on the question of Cyprus would remain for consideration during its resumed sixty-third (2009) session.
Financing

On 20 June [meeting 109], the General Assembly, having considered the Secretary-General’s report on UNFICYP’s financial performance for the period from 1 July 2006 to 30 June 2007 [A/62/649], the report on its budget for the period from 1 July 2008 to 30 June 2009 [A/62/718 & Corr.1.], the note of the Secretary-General [A/62/779] and ACABQ related comments and recommendations [A/62/781/Add.9], adopted, on the recommendation of the Fifth Committee [A/62/868], resolution 62/255 without vote [agenda item 143].

Financing of the United Nations Peacekeeping Force in Cyprus

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

Recalling Security Council resolution 186(1964) of 4 March 1964, regarding the establishment of the 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 1789(2007) of 14 December 2007, by which the Council extended the mandate of the Force until 15 June 2008,

Recalling also its resolution 47/236 of 14 September 1993 on the financing of the Force and its subsequent resolutions and decisions thereon, the latest of which was resolution 61/280 of 29 June 2007,

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

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

Noting that voluntary contributions were insufficient to cover all the costs of the Force, including those incurred by troop-contributing Governments prior to 16 June 2003, 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 financial resources necessary to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

1. Requests the Secretary-General to entrust the Head of Mission with the task of formulating future budget proposals in full accordance with the provisions of General Assembly resolutions 59/296 of 22 June 2005, 60/266 of 30 June 2006 and 61/276 of 29 June 2007, as well as other relevant resolutions;

2. Takes note of the status of contributions to the United Nations Peacekeeping Force in Cyprus as at 31 March 2008, including the contributions outstanding in the amount of 19.1 million United States dollars, representing some 6 per cent of the total assessed contributions, notes with concern that only forty-one Member States have paid their assessed contributions in full, and urges all other Member States, in particular those in arrears, to ensure payment of their outstanding assessed contributions;

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

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

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

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

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

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

9. Endorses the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions, subject to the provisions of the present resolution, and requests the Secretary-General to ensure their full implementation;

10. Decides to reclassify the posts of Associate Public Information Officer, Chief Security Officer and Chief of Integrated Support Services to the P-3, P-4 and P-5 levels, respectively;

11. Welcomes the steps taken so far by the host Government and the Force regarding the renovation of the accommodation of military contingent personnel and of other personnel of the Force, and requests the Secretary-General to continue making every effort, in coordination with the host Government, to ensure that the renovations are completed as scheduled and to report thereon in the context of his next budget submission;

12. Requests the Secretary-General to ensure the full implementation of the relevant provisions of its resolutions 59/296, 60/266 and 61/276;

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

14. Further requests the Secretary-General, in order to reduce the cost of employing General Service staff, to continue efforts to recruit local staff for the Force against General Service posts, commensurate with the requirements of the Force;
Financial performance report for the period from 1 July 2006 to 30 June 2007

15. Takes note of the report of the Secretary-General on the financial performance of the Force for the period from 1 July 2006 to 30 June 2007;

16. Decides to appropriate to the Special Account for the United Nations Peacekeeping Force in Cyprus the amount of 2,516,500 dollars for the maintenance of the Force for the period from 1 July 2006 to 30 June 2007, in addition to the amount of 46,770,000 dollars already appropriated for the Force for the same period under the terms of its resolution 60/270 of 30 June 2006;

Financing of the additional appropriation for the period from 1 July 2006 to 30 June 2007

17. Notes with appreciation that a one-third share of the net additional appropriation, equivalent to 741,433 dollars, will be funded through voluntary contributions from the Government of Cyprus;

18. Decides, taking into account the amount of 25,354,700 dollars already apportioned under the terms of its resolution 60/270, to apportion among Member States the additional amount of 1,775,067 dollars for the maintenance of the Force for the period from 1 July 2006 to 30 June 2007, in accordance with the levels updated in its resolutions 58/256 of 23 December 2003 and 61/243 of 22 December 2006, and taking into account the scale of assessments for 2006, as set out in its resolution 58/1 B of 23 December 2003, and the scale of assessments for 2007, as set out in its resolution 61/237 of 22 December 2006;

19. Also 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 18 above, their respective share in the Tax Equalization Fund of the amount of 292,200 dollars, representing the additional staff assessment income for the Force for the period from 1 July 2006 to 30 June 2007;

20. Further decides that, for Member States that have fulfilled their financial obligations to the Force, there shall be set off against their apportionment, as provided for in paragraph 18 above, their respective share of other income in the amount of 641,518 dollars in respect of the financial period ended 30 June 2007, in accordance with the scheme set out in paragraph 18 above;

21. Decides that, for Member States that have not fulfilled their financial obligations to the Force, there shall be set off against their outstanding obligations their respective share of other income in the amount of 641,518 dollars in respect of the financial period ended 30 June 2007, in accordance with the scheme set out in paragraph 18 above;

22. Also decides, taking into account its voluntary contribution for the financial period ended 30 June 2007, that one third of other income in the amount of 403,829 dollars in respect of the financial period ended 30 June 2007 shall be returned to the Government of Cyprus;

23. Further decides, taking into account its voluntary contribution for the financial period ended 30 June 2007, that the prorated share of other income in the amount of 167,353 dollars in respect of the financial period ended 30 June 2007 shall be returned to the Government of Greece;

Financing arrangements for the period from 1 July 2007 to 30 June 2008

24. Takes note of the note by the Secretary-General on the financing arrangements for the Force for the period from 1 July 2007 to 30 June 2008;

25. Decides to appropriate to the Special Account for the Force the amount of 3,646,500 dollars for the maintenance of the Force for the period from 1 July 2007 to 30 June 2008, in addition to the amount of 48,847,500 dollars already appropriated for the Force for the same period under the terms of its resolution 61/280;

Financing of the additional appropriation for the period from 1 July 2007 to 30 June 2008

26. Notes with appreciation that a one-third share of the net additional appropriation, equivalent to 1,166,700 dollars, will be funded through voluntary contributions from the Government of Cyprus;

27. Decides, taking into account the amount of 26,804,234 dollars already apportioned under the terms of its resolution 61/280, to apportion among Member States the additional amount of 2,376,475 dollars for the maintenance of the Force for the period from 1 July 2007 to 15 June 2008, in accordance with the levels updated in resolution 61/243, and taking into account the scale of assessments for 2007 and 2008, as set out in resolution 61/237;

28. Also decides that, in accordance with the provisions of its resolution 973(X), there shall be set off against the apportionment among Member States, as provided for in paragraph 27 above, their respective share in the Tax Equalization Fund of the amount of 140,204 dollars, representing the additional staff assessment income approved for the Force for the period from 1 July 2007 to 15 June 2008;

29. Further decides to apportion among Member States the additional amount of 103,325 dollars for the maintenance of the Force for the period from 16 to 30 June 2008, in accordance with the levels updated in resolution 61/243, and taking into account the scale of assessments for 2008, as set out in resolution 61/237, subject to a decision by the Security Council to extend the mandate of the Force;

30. Decides that, in accordance with the provisions of its resolution 973(X), there shall be set off against the apportionment among Member States, as provided for in paragraph 29 above, their respective share in the Tax Equalization Fund of the amount of 6,096 dollars, representing the additional estimated staff assessment income approved for the Force for the period from 16 to 30 June 2008;

Budget estimates for the period from 1 July 2008 to 30 June 2009

31. Also decides to appropriate to the Special Account for the Force the amount of 57,392,500 dollars for the period from 1 July 2008 to 30 June 2009, inclusive of 54,851,100 dollars for the maintenance of the Force, 2,215,000 dollars for the support account for peacekeeping operations and 325,900 dollars for the United Nations Logistics Base;

Financing of the appropriation for the period from 1 July 2008 to 30 June 2009

32. Notes with appreciation that a one-third share of the net appropriation, equivalent to 18,264,450 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;

33. *Decides* to apportion among Member States the amount of 32,627,550 dollars at a monthly rate of 2,718,962 dollars, in accordance with the levels updated in resolution 61/243, and taking into account the scale of assessments for 2008 and 2009, as set out in resolution 61/237, subject to a decision of the Security Council to extend the mandate of the Force;

34. Also decides that, in accordance with the provisions of its resolution 973(X), there shall be set off against the apportionment among Member States, as provided for in paragraph 33 above, their respective share in the Tax Equalization Fund of 2,543,800 dollars, comprising the estimated staff assessment income of 2,305,200 dollars approved for the Force, the prorated share of 212,900 dollars of the estimated staff assessment income approved for the support account and the prorated share of 25,700 dollars of the estimated staff assessment income approved for the United Nations Logistics Base;

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

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

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

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

39. Decides to include in the provisional agenda of its sixty-third session the item entitled “Financing of the United Nations Peacekeeping Force in Cyprus”.

By decision 63/552 of 24 December, the Assembly decided that the agenda item on the financing of UNFICYP would remain for consideration during its resumed sixty-third (2009) session.

**Other issues**

**Strengthening of security and cooperation in the Mediterranean**

In response to General Assembly resolution 62/58 [YUN 2007, p. 432], the Secretary-General in July submitted a report [A/63/138] containing replies received from Bosnia and Herzegovina, the Netherlands, Poland, Qatar and Ukraine to his 19 February note verbale requesting the views of all Member States on ways to strengthen security and cooperation in the Mediterranean region.

**GENERAL ASSEMBLY ACTION**

On 2 December [meeting 61], the General Assembly, on the recommendation of the First (Disarmament and International Security) Committee [A/63/394], adopted resolution 63/86 without vote [agenda item 94],

**Strengthening of security and cooperation in the Mediterranean region**

The General Assembly,
Recalling its previous resolutions on the subject, including resolution 62/58 of 5 December 2007,
Reaffirming the primary role of the Mediterranean countries in strengthening and promoting peace, security and cooperation in the Mediterranean region,
Welcoming the efforts deployed by the Euro-Mediterranean countries to strengthen their cooperation in combating terrorism, in particular by the adoption of the Euro-Mediterranean Code of Conduct on Countering Terrorism by the Euro Mediterranean Summit, held in Barcelona, Spain, on 27 and 28 November 2005,
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,

Welcoming, in this regard, the adoption on 13 July 2008 of the joint Declaration of the Paris Summit, which launched a reinforced partnership, “the Barcelona Process: Union for the Mediterranean”, and the common political will to revive efforts to transform the Mediterranean into an area of peace, democracy, cooperation and prosperity,
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 such efforts through, inter alia, a lasting multilateral and action-oriented cooperative dialogue among States of the region, and recognizes the role of the United Nations in promoting regional and international peace and security;

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

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

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

7. Encourages the Mediterranean countries to strengthen further their cooperation in combating terrorism in all its forms and manifestations, including the possible resort by terrorists to weapons of mass destruction, taking into account the relevant resolutions of the United Nations, and in combating international crime and illicit arms transfers and illicit drug production, consumption and trafficking, which pose a serious threat to peace, security and stability in the region and therefore to the improvement of the current political, economic and social situation and which jeopardize friendly relations among States, hinder the development of international cooperation and result in the destruction of human rights, fundamental freedoms and the democratic basis of pluralistic society;

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

9. Decides to include in the provisional agenda of its sixty-fourth session the item entitled “Strengthening of security and cooperation in the Mediterranean region”.

Stability and development in South-Eastern Europe

On 2 December [decision 63/517], the General Assembly decided to include in the provisional agenda of its sixty-fifth (2010) session the item entitled “Maintenance of international security—good-neighbourliness, stability and development in South-Eastern Europe”.

Cooperation with the Council of Europe

In a consolidated report on cooperation between the United Nations and regional and other organizations [A/63/228 & Corr.1-S/2008/531 & Corr.1], submitted in response to General Assembly resolution 63/13 [YUN 2006, p. 496], the Secretary-General described strengthened cooperation with the Council of Europe.

GENERAL ASSEMBLY ACTION

On 3 November [meeting 37], the General Assembly adopted resolution 63/14 [draft: A/63/L.12 & Add.1] without vote [agenda item 114 (g)].

Cooperation between the United Nations and the Council of Europe

The General Assembly,

Recalling the Agreement between the Council of Europe and the Secretariat of the United Nations signed on 15 December 1951 and the Arrangement on Cooperation and Liaison between the Secretariats of the United Nations and the Council of Europe of 19 November 1971,

Recalling also its previous resolutions on cooperation between the United Nations and the Council of Europe,

Recalling further the sixtieth anniversary of the Universal Declaration of Human Rights, in 2008, and noting the sixtieth anniversary of the European Convention for the Protection of Human Rights and Fundamental Freedoms, in 2010,

Acknowledging the contribution of the Council of Europe, at the European level, to the protection and strength-
enishing of human rights and fundamental freedoms, democracy and the rule of law through its standards, principles and monitoring mechanisms, as well as to the effective implementation of all relevant international legal instruments of the United Nations,

Taking note of the contribution of the Council of Europe to the universal periodic review by the Human Rights Council of the situation of human rights in States members of the Council of Europe,

Welcoming the declaration of the Council of Europe to improve the protection of human rights defenders and promote their activities within the European sphere,

Acknowledging the contribution of the Council of Europe to the development of international law, and noting that a number of legal instruments of the Council are open to the participation of States of other regions,

Acknowledging also the continued interest of the Parliamentary Assembly of the Council of Europe in the ongoing reform process of the United Nations,

Welcoming the increasingly close relations between the United Nations and the Council of Europe,

Noting with appreciation the report of the Secretary-General,

1. Calls for the reinforcement of cooperation and synergies with the Council of Europe regarding the protection of human rights and fundamental freedoms, inter alia, the promotion of democracy and the rule of law, the prevention of torture, the fight against trafficking in human beings, the fight against racism, discrimination, xenophobia and intolerance, the promotion of gender equality and the protection of the rights of persons belonging to minorities;

2. Recognizes the important role of the European Court of Human Rights in protecting human rights as the guardian of the implementation of the European Convention on Human Rights, which applies to the eight hundred million individuals in the forty-seven States members of the Council of Europe, and invites the Human Rights Council and the Office of the United Nations High Commissioner for Human Rights to strengthen their cooperation with the Council of Europe, including its Commissioner for Human Rights, in promoting respect for human rights, while encouraging close cooperation with the Special Representative of the Secretary-General on human rights defenders;

3. Encourages further cooperation, where appropriate, between the United Nations and the Council of Europe through their mechanisms regarding the prevention of torture and inhuman or degrading treatment or punishment;

4. Supports the development of cooperation, where appropriate, between the United Nations Peacebuilding Commission and the Council of Europe, with a view to promoting post-conflict reconstruction and development and the consolidation of peace, with full respect for human rights and the rule of law;

5. Takes note with appreciation of the entry into force on 1 February 2008 of the Council of Europe Convention on Action against Trafficking in Human Beings, to which any non-member State of the Council of Europe may accede after having obtained unanimous consent of the parties to the Convention, commends the enhanced cooperation between the United Nations and the Council of Europe in this regard, and expresses its appreciation for the preparation of a joint study on trafficking in organs and tissues, including trafficking in persons for the purpose of the removal of organs;

6. Encourages further cooperation between the Office of the United Nations High Commissioner for Refugees and the Council of Europe in the field of nationality, in particular in the prevention and reduction of statelessness, and in the protection and promotion of the rights of refugees, asylum-seekers and internally displaced persons;

7. Also encourages further cooperation between the United Nations and the Council of Europe in the area of democracy and good governance, and in particular with regard to the International Day of Democracy, inter alia, through the Venice Commission and the Forum for the Future of Democracy, and through the strengthening of links between the United Nations Decade of Education for Sustainable Development and the Council of Europe Project on Education for Democratic Citizenship and Human Rights;

8. Welcomes the signing of a joint declaration between the United Nations Children’s Fund and the Council of Europe to further cooperation on the protection and promotion of the rights of the child;

9. Notes with appreciation the Council of Europe Campaign to Combat Violence against Women, including Domestic Violence, and calls for increased cooperation regarding all forms of violence against women, in the framework of the Secretary-General’s campaign to end violence against women;

10. Recognizes the fruitful cooperation between the United Nations missions and the field offices of the Council of Europe;


12. Encourages further cooperation between the two organizations regarding the fight against transnational organized crime, cybercrime, corruption and money-laundering, as well as regarding the protection of the rights of victims of crime and the promotion of human rights and the rule of law in the information society, and takes note of the contribution of the Council of Europe to the Internet Governance Forum and the Council of Europe Convention on Cybercrime and the Additional Protocol thereto;

13. Notes the interaction between the Council of Europe and the Sixth Committee of the General Assembly and with the International Law Commission, and encourages cooperation between the Council of Europe and the Rule of Law Coordination and Resource Group with the purpose of strengthening the rule of law;

14. Encourages further cooperation between the United Nations and its specialized agencies, the United Nations
Part One: Political and security questions

15. **Reiterates its support** for cooperation between the two organizations in the social field, in particular concerning the protection and promotion of the rights of persons with disabilities, combating poverty and social exclusion and ensuring equal access to economic, social and cultural rights for all;

16. **Encourages joint action** between the United Nations Educational, Scientific and Cultural Organization and the Council of Europe in the context of the follow-up to the Faro Platform, takes note of the intention of the Council of Europe to work in close cooperation with the Alliance of Civilizations, a forum for intercultural dialogue created under the auspices of the United Nations, on the basis of a memorandum of understanding, and welcomes the role of the North-South Centre;

17. **Requests** the Secretaries-General of the United Nations and the Council of Europe to combine their efforts in seeking answers to global challenges, within their respective mandates, and calls upon all relevant United Nations bodies to support the enhancement of cooperation with the Council of Europe in the areas mentioned above;

18. **Decides** to include in the provisional agenda of its sixty-fifth session the sub-item entitled “Cooperation between the United Nations and the Council of Europe”, and requests the Secretary-General to submit to the General Assembly at its sixty-fifth session a report on cooperation between the United Nations and the Council of Europe in implementation of the present resolution.

**Cooperation with the Organization for Security and Cooperation in Europe**

On 26 September [meeting 5982], the Chairman-in-Office of the Organization for Security and Cooperation in Europe (osce), Alexander Stubb, briefed the Security Council about the work and priorities of osce. He noted that recent crises, such as the situation in Georgia, had underlined the critical importance of cooperation between osce and the United Nations. The 56-member organization intended to promote the implementation of all UN principles, conventions and other global instruments. The osce early warning, crisis management and post-conflict activities were crucial components of the UN-based international order. In many ways, both the United Nations and osce were in the business of preventing and resolving conflicts. The challenges the two organizations currently shared were Afghanistan, Georgia and Kosovo. The work of international security structures should be redirected in the spirit of effective multilateralism, so that they provide genuine security and stability to member countries and their inhabitants. Both osce and the United Nations should be a part of such long-term efforts.

By decision 63/552 of 24 December, the General Assembly decided that the agenda item on cooperation between the United Nations and osce would remain for consideration during its resumed sixty-third (2009) session.