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REPORT OF THE SECRETARY-GENERAL PURSUANT TO RESOLUTION 844 (1993)

I. INTRODUCTION

1. In paragraph 6 of resolution 844 (1993) of 18 June 1993, the Security Council invited the Secretary-General to report on a regular basis on the implementation of that resolution as well as of resolution 836 (1993) of 4 June 1993. The present report is submitted, further to previous reports dealing with the safe areas (S/1994/291 and S/1994/300), in order to inform the Council of the results achieved and lessons learned, as well as to propose some improvements in the short term with a view to ensuring more effective implementation of the concept within the overall goal of restoring peace in Bosnia and Herzegovina.

II. INITIAL SAFE-AREA CONCEPT

2. Srebrenica was the first safe area declared by the Security Council in its resolution 819 (1993) of 16 April 1993. Subsequently, Sarajevo, Tuzla, Zepa, Gorazde and Bihac and their surroundings were also declared to be safe areas in Security Council resolution 824 (1993) of 6 May 1993. In these resolutions, the safe areas were envisaged to be areas free from armed attacks and from any other hostile acts that would endanger the well-being and the safety of their inhabitants and where the unimpeded delivery of humanitarian assistance to the civilian population would be ensured.

3. In order to ensure full respect for the safe areas, by resolution 836 (1993), paragraph 5, the Council extended the mandate of the United Nations Protection Force (UNPROFOR) to enable it, in the safe areas, to deter attacks against the areas, to monitor the cease-fire, to promote the withdrawal of military or paramilitary units other than those of the Bosnian Government and to occupy some key points on the ground, in addition to participating in the delivery of humanitarian relief.

4. In paragraph 9 of the same resolution, UNPROFOR was authorized, in carrying out its mandates and acting in self-defence, to take the necessary measures including the use of force in reply to:

- (a) Bombardments against the safe areas by any of the parties;

(b) Armed incursion into the safe areas;

(c) Deliberate obstruction in or around the safe areas to the freedom of movement of UNPROFOR or of protected humanitarian convoys.

5. The Security Council also decided, in paragraph 10 of its resolution 836 (1993), that "Member States, acting nationally or through regional organizations or arrangements, may take, under the authority of the Security Council and subject to close coordination with the Secretary-General and UNPROFOR, all necessary measures, through the use of air power, in and around the safe areas in the Republic of Bosnia and Herzegovina, to support UNPROFOR in the performance of its mandate set out in paragraphs 5 and 9".

6. In my report pursuant to Security Council resolution 836 (1993) (S/25939), I indicated that approximately 34,000 additional troops would be required in order to ensure full respect for the safe areas. However, taking into account the realistic volume of troops and material resources expected to be made available to UNPROFOR, it was proposed to start, as an initial approach with limited objectives, with a minimal troop reinforcement of 7,600. This "light option" could not in itself guarantee the defence of the safe areas, but would provide a basic level of deterrence, assuming the consent and cooperation of the parties. This proposal was approved by the Security Council in its resolution 844 (1993). However, even this minimum requirement was not met by the troop contributors, thus severely limiting UNPROFOR's presence in the safe areas.

III. RESULTS ACHIEVED

7. In Srebrenica and Zepa, the concept has been applied with a greater degree of effectiveness than in the other areas. In these two areas, the warring parties agreed upon a cease-fire on the confrontation line, deployment of UNPROFOR troops, medical evacuation, ad hoc demilitarization, freedom of movement and other related measures. Although the implementation of these agreements has been far from complete and has led to many problems, UNPROFOR has been able to deploy troops on the ground. The presence of UNPROFOR troops in these towns and their surroundings has served to enhance the security of the population and to stabilize the situation in these areas. Unfortunately, such an agreement did not prove possible in respect of the other four safe areas.

8. Following the agreement at Zepa, UNPROFOR attempted unsuccessfully to have the parties reach a detailed safe-area agreement for Sarajevo. Only after the tragic shelling of the Sarajevo market square, the letter sent by the Secretary-General to the North Atlantic Treaty Organization (NATO) on 6 February 1994 (see S/1994/131, annex), and the resultant threat of NATO intervention, was it possible to negotiate an agreement between the Bosnian government and Serb forces whereby, on 9 February 1994, they agreed to the interpositioning of UNPROFOR forces and the withdrawal out of range or placement under UNPROFOR control of heavy weapons. On 10 February 1994, the North Atlantic Council declared that non-compliance with the withdrawal of heavy weapons from a 20-kilometre radius from the centre of Sarajevo would result in the initiation of air strikes 10 days from that date. This facilitated implementation of the agreement by the parties because of the added notion of enforcement by a

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credible third party. Ultimately, heavy weapons were either withdrawn or placed under UNPROFOR control in a number of weapons-control sites. As a result of this agreement, Sarajevo has been free from heavy-weapons attack.

9. From the outset, shortage of troops and the resultant inability to place United Nations troops in the area, coupled with the unwillingness of the parties to negotiate, made it impossible to achieve a specific safe-area agreement for Gorazde or to delineate the boundaries of the area. UNPROFOR's presence was limited to no more than eight observers. As a result, UNPROFOR was in a position only to observe when the Serb offensive on that area began in March 1994. When close air support was employed in defence of the endangered United Nations personnel in Gorazde, the Bosnian Serbs reacted strongly by detaining a large number of United Nations personnel and imposing major obstructions to freedom of movement. After much effort on the part of UNPROFOR, coupled with the further threat of NATO air strikes at the request of the Secretary-General, an agreement was ultimately achieved between UNPROFOR and the Bosnian Serb authorities for the withdrawal of all Serb forces from within a 3-kilometre zone, and of heavy weapons from within a 20-kilometre zone around the centre of the town.

10. The involvement of NATO in facilitating the implementation of the Sarajevo and Gorazde agreements has placed a substantial number of additional coordination and monitoring responsibilities on UNPROFOR. In this regard, UNPROFOR owes an obligation to the parties to the agreements, and to the Security Council, to ensure that any use of air strikes is based on verified information. In addition, the use of air power in Bosnia and Herzegovina can expose widely dispersed United Nations military and civilian personnel to retaliation, with limited possibilities for protecting them. Air power has major psychological and political impacts that can alter relationships with the parties and the conduct of ongoing negotiations. The agreement of NATO to act only in full consultation with UNPROFOR addresses these concerns. Exchanges of essential information and consultations are taking place on a daily basis.

11. In its decision of 22 April 1994 in response to my letter of 18 April (S/1994/498), NATO introduced the concept of additional exclusion zones around the safe areas of Zepa, Srebrenica, Bihac and Tuzla. Experience at Sarajevo and Gorazde already indicates that the monitoring and enforcement of these zones requires a considerable commitment of UNPROFOR resources and detailed coordination with NATO. Further analysis is therefore required of such issues as the amount of additional area that UNPROFOR can cover; the accuracy and timeliness of the data that can be acquired; the increasing involvement of NATO; and the execution of appropriate actions, acceptable to both UNPROFOR and NATO, in the specific circumstances that will apply at different times in different safe areas. The particular problem in Bihac, with its own internal conflict, was described in a previous report (S/1994/300), but has not yet been resolved.

IV. LESSONS LEARNED

12. The effective implementation of the safe-area concept depends on the degree of consent by the parties on the ground. It has been facilitated, in the areas where an individual agreement was achieved, by a clear demarcation of the area

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in question and a concise statement of the obligations that each party would respect. Such an agreement was also reached more easily where the parties considered that they had no further operational objectives in the area.

13. The failure of the safe-area concept to protect the civilian population of Gorazde has highlighted a number of problems, including the appalling living conditions in these areas, their social and economic unviability and the fact that the Army of Bosnia and Herzegovina has used the safe areas as locations in which its troops can rest, train and equip themselves as well as fire at Serb positions, thereby provoking Serb retaliation. A more detailed discussion of these problems is contained in paragraphs 30 to 35 of my report of 16 March 1994 (S/1994/300). A number of additional points need to be further emphasized from UNPROFOR's point of view. First, UNPROFOR's protection role is derived from its mere presence: UNPROFOR is neither structured nor equipped for combat and has never had sufficient resources, even with air support, to defend the safe areas against a deliberate attack or to hold ground. Second, UNPROFOR's humanitarian and monitoring tasks in Bosnia and Herzegovina are not restricted solely to the safe areas. They apply equally throughout the Republic. Experience since June 1993 has shown that it is difficult to move troops from safe areas, once the situation has stabilized, to more urgent tasks elsewhere. Safe areas have, therefore, further restricted the flexibility that is needed when only limited resources are available. Third, as previously stated, clearly defined boundaries have not been agreed by the parties for Tuzla, Gorazde and particularly Bihac, where there are special difficulties owing to an internal conflict and the launching of indirect fire into the pocket from the United Nations protected areas (UNPAs) in Croatia. Fourth, weapons collection sites tie down scarce troops in static tasks, rather than in pro-active patrolling or other protective measures. Further, it is apparent that the parties do not believe that the weapons in the collection sites are intended to be inaccessible to them: in Srebrenica, for example, the citizens have on a number of occasions requested that weapons be returned and Serb forces in Sarajevo have temporarily withdrawn weapons, during periods of increased tension, although they were subsequently returned as a result of UNPROFOR pressure. Finally, the use or threat of use of air power in support of the safe areas has interrupted the delivery of humanitarian assistance through areas controlled by the Bosnian Serbs.

14. The failure of the warring parties to understand or fully respect the safe-area concept is a particularly serious problem that has become starkly evident in Gorazde. The Bosnian Government expected UNPROFOR to intervene to protect as much of the territory under its control as possible, and called for the early employment of large-scale air strikes in order to break the offensive capability of Serb forces. Government forces armed themselves and conducted military activities from within the safe area. The Bosnian Serbs, on the other hand, regarded UNPROFOR's very limited use of close air support as an intervention on behalf of their opponents, and did not hesitate to attack a populated area. UNPROFOR's neutrality and credibility were strongly challenged by the different attitudes and expectations of each party, and their respective demands and complaints heightened tension with the United Nations and for a time seriously impaired working relationships.

15. In short, UNPROFOR found itself in a situation where many safe areas were not safe, where their existence appeared to thwart only one army in the conflict, thus jeopardizing UNPROFOR's impartiality, and where UNPROFOR's role needed to be adequately defined in a manner that would be compatible with the rest of its mandate. As a result of these problems, UNPROFOR has attempted to redefine the safe-area concept in order to reduce ambiguity, enhance credibility and even-handedness and improve the protection of civilians to the extent possible with available resources.

V. THE WAY AHEAD

16. There has existed a certain ambiguity as regards UNPROFOR's mandate in the safe area: is its role to defend a geographically defined safe area or is it to deter, through its presence, attacks on the civilian populations living therein? The Security Council clearly intended the latter, but a perceived lack of clarity of intent may have contributed to misunderstandings and false expectations, by both warring parties and by the international community, of UNPROFOR's responsibilities in Gorazde. Based on a careful analysis of Security Council resolutions 824 (1993), 836 (1993), 844 (1993) and 913 (1994) as well as relevant reports of the Secretary-General, UNPROFOR understands its mission as follows:

To protect the civilian populations of the designated safe areas against armed attacks and other hostile acts, through the presence of its troops and, if necessary, through the application of air power, in accordance with agreed procedures.

17. UNPROFOR's ability to perform this mission is necessarily limited: first, by the availability of troops and the dissuasive effect of their deployment and, second, by its reactive capability, given the specific circumstances of any particular attack. Should UNPROFOR's presence prove insufficient to deter an attack, it could be required to resort to close air support to protect its own members or to request air strikes to compel an end to the attack on the safe areas.

18. In order to implement the above mission, the safe areas should be defined so that UNPROFOR may provide, within the limit of its resources under the "light option", effective and credible protection to the population within the area. This in turn requires that the safe areas, described as "towns and surroundings" in resolution 824 (1993), be clearly delineated, with due regard to the densely populated area. In coordination with the parties, UNPROFOR is elaborating proposed boundaries of the safe areas that meet these requirements. They take account of the circumstances specific to each area, but in view of wide divergences between the parties, represent UNPROFOR proposals that have not been agreed with the parties. It is UNPROFOR's judgement that such agreement is not likely to be forthcoming and that the Security Council should mandate UNPROFOR to establish, on its own responsibility, the operational boundaries of the areas the Force finds itself able to protect.

19. It must be emphasized that, should the Council agree to the above approach, the boundaries delineated by UNPROFOR should, in no way, be considered as

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recognition of the acquisition of territory by force. Rather, these proposals necessarily reflect the realities on the ground and UNPROFOR's limited resource capacity, and attempt to provide an operational definition of the safe-area concept as originally devised in resolution 824 (1993). They would be without prejudice to the existing confrontation lines and to the final status of the territory within, or outside, the proposed boundaries. Given the difficult social and economic conditions in most of these areas, free and unimpeded access for humanitarian agencies is essential. Obviously, the attitude of the parties to the boundaries established by UNPROFOR will have a crucial bearing on the Force's ability to keep the safe areas safe.

20. UNPROFOR is determined to continue its efforts to ensure delivery of humanitarian assistance to civilians in need anywhere in Bosnia and Herzegovina, and at the same time to facilitate the achievement of an overall political solution to the conflict. The Force has, however, limited resources to deal with other vital tasks in addition to the safe areas. The most important of these are the agreements in Sarajevo, the UNPAs, Mostar and central Bosnia and Herzegovina. These agreements are central to the welfare of the majority of the population, as well as to the furtherance of the peace process. Despite a significant reduction in levels of conflict, there also remains the requirement to escort humanitarian aid, which could increase at short notice, as well as the introduction of new tasks in support of normalization and reconstruction. While acknowledging that a narrow delineation of safe areas raises complex political and legal questions, such a definition by UNPROFOR would be the only practical and achievable one from the military point of view, given the nature of UNPROFOR as a lightly armed, impartial, international force.

21. The presence of a sufficient number of armed UNPROFOR troops in each of the safe areas thus defined will deter armed aggression against them. Furthermore, as the warring parties as well as the inhabitants of those areas have an obligation not to use them as a sanctuary from which to launch offensive action of their own, UNPROFOR must be in a position to monitor the activity of both parties. While recognizing the right of the inhabitants to self-defence, UNPROFOR's presence is viewed as a first step towards the eventual demilitarization of the safe area, when the parties are in a position to agree. In that respect and in recognition of its special status, consideration should be given to implementing steps leading to the demilitarization of Sarajevo.

22. In close coordination with NATO authorities, UNPROFOR will monitor the status of the weapon-exclusion zones in Sarajevo and Gorazde. In addition, and bearing in mind the legitimate interests of the parties in those areas not designated as safe areas, UNPROFOR, again in close cooperation with NATO, will maintain reconnaissance of the areas in and around the towns of Bihac, Srebrenica, Tuzla and Zepa. Should UNPROFOR determine that activities in those safe areas pose a threat to their populations, then it will act in accordance with its responsibilities, in close cooperation with NATO.

VI. OBSERVATIONS

23. It is clear that the current approach with respect to the safe areas requires reworking. I believe that the Security Council should consider

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refining the safe-area concept as defined in resolution 824 (1993) and expanded in resolution 836 (1993), and support UNPROFOR in making its implementation more effective.

24. In my view, the successful implementation of the safe-area concept requires the acceptance of three overriding principles:

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

(b) That the method of execution of the safe-area task should not, if possible, detract from, but rather enhance, UNPROFOR's original mandates in Bosnia and Herzegovina, namely supporting humanitarian assistance operations and contributing to the overall peace process through the implementation of cease-fires and local disengagements;

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

25. The UNPROFOR approach outlined above would more clearly define the geographical limitations of the safe areas, UNPROFOR's responsibilities therein and the obligations of the warring parties with respect to them. This approach is a manifestation of UNPROFOR's resolve to protect civilian populations, regardless of ethnic background. It is not, however, UNPROFOR's intention to defend territory nor to enter the fray as a belligerent. UNPROFOR has been, is and must remain impartial. If UNPROFOR must have recourse to force, this will be in clearly defined circumstances, triggered by the actions of one or another party to the conflict.

26. The initial application of the safe-area concept in Srebrenica and Zepa, based on specific negotiated agreements between the parties, was successful in lowering levels of hostilities and improving living conditions. However it did not create viable communities. Later agreements, supported by the threat of air strikes, led to the withdrawal or control of heavy weapons of both sides in and around Sarajevo and the withdrawal of Serb forces and heavy weapons from around Gorazde. The safe-area concept has not been seriously tested in Bihac and Tuzla.

27. Should the Council authorize UNPROFOR to establish the geographical demarcations of the safe areas, UNPROFOR has the resources to achieve some success. The actual prospects for this success, however, will depend on the attitudes of the warring parties. For example, both Tuzla and Bihac lie astride important communications routes and are therefore objectives that could invite continued military operations. I should also like to point out that the efforts of UNPROFOR to deal with crises around safe areas are likely, as in Gorazde, to be conducted amidst additional security considerations and under considerable external pressures. These activities can consume a great deal of effort, to the detriment of UNPROFOR's responsibilities in the rest of the mission area. Finally, I must underscore the vital importance of UNPROFOR receiving the level of human and material resources required for the tasks entrusted to it. In this

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respect, the continuing shortfall of troops remains a source of considerable concern.

28. I have reflected at length on the feasibility of extending the safe-area concept elsewhere in Bosnia and Herzegovina. For the reasons stated above as well as in my earlier reports to the Council, I do not believe this would be an advisable course of action. While reaffirming the Council's existing commitments undertaken in resolutions 836 (1993) and 844 (1993), I believe that sources of tension elsewhere in the Republic must be dealt with by other measures, including, but not limited to, local cease-fires and modest deployments of UNPROFOR observers. UNPROFOR, overstretched and underresourced as it is in relation to its current mandates, does not have the capacity to rush from crisis to crisis in different areas. It is neither configured nor equipped for mandates to fight or to hold ground. Its operational needs are for flexible deployment and maximum mobility rather than fixed positions in a limited number of areas. These factors dictate clear limits to the concept of safe areas.

29. In summary, in addition to the arrangements now in place for protection of the safe areas, it is necessary:

(a) That the UNPROFOR mission in relation to the safe areas be clearly defined;

(b) That the safe areas be delineated, as proposed by UNPROFOR;

(c) That they be respected. In this regard, I take note of paragraph 4 of resolution 913 (1994) which "calls for an end to any provocative action by whomsoever committed in and around the safe areas";

(d) That complete freedom of movement, on a "notification" (as opposed to "clearance") basis, be ensured for the provision of humanitarian aid to safe areas, as a prelude to further normalization, including the resumption of commercial traffic.

30. Safe areas can be made somewhat more effective and manageable. On the other hand, because of difficulties in their implementation as well as their limited effect, it must be recognized that safe areas do not in themselves represent a long-term solution to the fundamental conflict in Bosnia and Herzegovina, which requires a political and territorial solution. I therefore view the safe-area concept as a temporary mechanism by which some vulnerable populations can be protected pending a comprehensive negotiated political settlement. In this respect, UNPROFOR's protection of the civilian population in safe areas must be implemented so as to provide a positive contribution to the peace process, and not to detract from it.

31. I therefore recommend that the Security Council approve the statement of UNPROFOR's mission in relation to the safe areas as set out in the present report, authorize UNPROFOR to promulgate precise boundaries for these areas and approve the arrangements outlined above for the implementation of that mission.