

the humanitarian relief convoys. Apart from general humanitarian concerns, UNPROFOR had lent its good offices to help arrange a cease-fire in Mostar, in keeping with the Secretary-General's overall responsibilities in the pacific settlement of disputes. In terms of its mandate under Security Council resolution 776 (1992) of 14 September 1992, UNPROFOR had found that the fighting in Mostar was extremely disruptive for the delivery of humanitarian relief aid; the Force, therefore, had no choice but to intervene if its original mandate was to be implemented. The Secretary-General recalled that Council resolution 824 (1993) of 6 May 1993, in which the Council had declared a number of safe areas, in addition to Sarajevo, Tuzla, Zepa, Gorazde, Bihać and Srebrenica, referred to "other such threatened areas". The situation in Mostar obviously qualified the town as a "threatened area", a consideration which had helped to set the terms of UNPROFOR's active involvement in witnessing the agreement concluded on 12 May 1993 between Generals Halilović and Petković and in, *inter alia*, deploying a company of the Spanish Battalion in an interposition role. The presence of UNPROFOR was an integral part of the cease-fire agreement and had without doubt helped to defuse the tension and stabilize the situation. None the less, some concern had been expressed in the Security Council about the formal mandate of UNPROFOR in that regard. That concern also applied to the involvement of civilian police officers provided for in the agreement between the Bosnian Croat and Bosnian Muslim sides of 12 May 1993, for which no authorization from the Security Council existed. In order to clarify the mandate, the Secretary-General requested confirmation as to whether the above interpretation of the mandate of UNPROFOR was acceptable to the Security Council.

In a letter dated 22 May 1993,⁴⁶ the President of the Security Council informed the Secretary-General as follows:

"I have the honour to inform you that your letter dated 14 May 1993 concerning the United Nations Protection Force (UNPROFOR)⁴⁵ has been brought to the attention of the members of the Council. Regarding the situation in the area of Mostar, they agree with the interpretation of the mandate of UNPROFOR contained in your letter."

At its 3228th meeting, on 4 June 1993, the Council decided to invite the representatives of Bosnia and Herzegovina and Turkey to participate, without vote, in the discussion of the item entitled "The situation in the Republic of Bosnia and Herzegovina"

Resolution 836 (1993)
of 4 June 1993

The Security Council,

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

Reaffirming in particular its resolutions 819 (1993) of 16 April 1993 and 824 (1993) of 6 May 1993, in which it demanded that certain towns and their surrounding areas in the Republic of Bosnia and Herzegovina should be treated as safe areas,

Reaffirming the sovereignty, territorial integrity and political independence of Bosnia and Herzegovina and the responsibility of the Security Council in this regard,

Condemning military attacks, and actions that do not respect the sovereignty, territorial integrity and political independence of Bosnia and Herzegovina, which, as a State Member of the United Nations, enjoys the rights provided for in the Charter of the United Nations,

Reiterating its alarm at the grave and intolerable situation in Bosnia and Herzegovina arising from serious violations of international humanitarian law,

Reaffirming once again that any taking of territory by force or any practice of "ethnic cleansing" is unlawful and totally unacceptable,

Commending the Government of the Republic of Bosnia and Herzegovina and the Bosnian Croat party for having signed the Vance-Owen plan,

Gravely concerned at the persistent refusal of the Bosnian Serb party to accept the Vance-Owen plan, and calling upon that party to accept the peace plan for the Republic of Bosnia and Herzegovina in full,

Deeply concerned by the continuing armed hostilities in the territory of Bosnia and Herzegovina which run totally counter to the peace plan,

Alarmed by the resulting plight of the civilian population in the territory of Bosnia and Herzegovina, in particular in Sarajevo, Bihać, Srebrenica, Gorazde, Tuzla and Zepa,

Condemning the obstruction, primarily by the Bosnian Serb party, of the delivery of humanitarian assistance,

Determined to ensure the protection of the civilian population in safe areas and to promote a lasting political solution,

Confirming the ban on military flights in the airspace of Bosnia and Herzegovina, established by resolutions 781 (1992) of 9 October 1992, 786 (1992) of 10 November 1992 and 816 (1993) of 31 March 1993,

Affirming that the concept of safe areas in Bosnia and Herzegovina as contained in resolutions 819 (1993) and 824 (1993) was adopted to respond to an emergency situation, and noting that the concept proposed by France in document S/25800 and by others could make a valuable contribution and should not in any way be taken as an end in itself, but as a part of the Vance-Owen process and as a first step towards a just and lasting political solution,

Convinced that treating the towns and surrounding areas referred to above as safe areas will contribute to the early implementation of that objective,

Stressing that the lasting solution to the conflict in Bosnia and Herzegovina must be based on the following principles: immediate and complete cessation of hostilities, withdrawal from territories seized by the use of force and "ethnic cleansing", reversal of the consequences of "ethnic cleansing" and recognition of the right of all refugees to return to their homes, and respect for the sovereignty, territorial integrity and political independence of Bosnia and Herzegovina,

Noting the crucial work being done throughout Bosnia and Herzegovina by the United Nations Protection Force and the importance of such work continuing,

Determining that the situation in Bosnia and Herzegovina continues to be a threat to international peace and security,

Acting under Chapter VII of the Charter,

1. *Calls* for the full and immediate implementation of all its relevant resolutions;

⁴⁶ S/25825.

2. *Commends* the peace plan for the Republic of Bosnia and Herzegovina as contained in document S/25479;

3. *Reaffirms* the unacceptability of the acquisition of territory by the use of force and the need to restore the full sovereignty, territorial integrity and political independence of Bosnia and Herzegovina;

4. *Decides* to ensure full respect for the safe areas referred to in resolution 824 (1993);

5. *Also decides* to extend to that end the mandate of the United Nations Protection Force in order to enable it, in the safe areas referred to in resolution 824 (1993), to deter attacks against the safe areas, to monitor the cease-fire, to promote the withdrawal of military or paramilitary units other than those of the Government of the Republic of Bosnia and Herzegovina and to occupy some key points on the ground, in addition to participating in the delivery of humanitarian relief to the population as provided for in resolution 776 (1992) of 14 September 1992;

6. *Affirms* that these safe areas are a temporary measure and that the primary objective remains to reverse the consequences of the use of force and to allow all persons displaced from their homes in Bosnia and Herzegovina to return to their homes in peace, beginning, *inter alia*, with the prompt implementation of the provisions of the Vance-Owen plan in areas where those have been agreed by the parties directly concerned;

7. *Requests* the Secretary-General, in consultation, *inter alia*, with the Governments of the Member States contributing forces to the Force:

(a) To make the adjustments or reinforcement of the Force which might be required by the implementation of the present resolution, and to consider assigning elements of the Force in support of the elements entrusted with protection of safe areas, with the agreement of the Governments contributing forces;

(b) To direct the Force Commander to redeploy to the extent possible the forces under his command in Bosnia and Herzegovina;

8. *Calls upon* Member States to contribute forces, including logistic support, to facilitate the implementation of the provisions regarding the safe areas, expresses its gratitude to Member States already providing forces for that purpose, and invites the Secretary-General to seek additional contingents from other Member States;

9. *Authorizes* the Force, in addition to the mandate defined in resolutions 770 (1992) of 13 August 1992 and 776 (1992), in carrying out the mandate defined in paragraph 5 above, acting in self-defence, to take the necessary measures, including the use of force, in reply to bombardments against the safe areas by any of the parties or to armed incursion into them or in the event of any deliberate obstruction in or around those areas to the freedom of movement of the Force or of protected humanitarian convoys;

10. *Decides* that, notwithstanding paragraph 1 of resolution 816 (1993), 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 the Force, all necessary measures, through the use of air power, in and around the safe areas in Bosnia and Herzegovina, to support the Force in the performance of its mandate set out in paragraphs 5 and 9 above;

11. *Requests* the Member States concerned, the Secretary-General and the Force to coordinate closely on the measures they are

taking to implement paragraph 10 above and to report to the Council through the Secretary-General;

12. *Invites* the Secretary-General to report to the Council, for decision, if possible within seven days of the adoption of the present resolution, on the modalities of its implementation, including its financial implications;

13. *Also invites* the Secretary-General to submit to the Council, not later than two months after the adoption of the present resolution, a report on the implementation of and compliance with the present resolution;

14. *Emphasizes* that it will keep open other options for new and tougher measures, none of which is prejudged or excluded from consideration;

15. *Decides* to remain actively seized of the matter, and undertakes to take prompt action, as required.

Adopted at the 3228th meeting by 13 vote to none, with 2 abstentions (Pakistan and Venezuela).

Decisions

At its 3234th meeting, on 10 June 1993, the Council decided to invite the representative of Bosnia and Herzegovina to participate, without vote, in the discussion of the item entitled "The situation in the Republic of Bosnia and Herzegovina".

Resolution 838 (1993) of 10 June 1993

The Security Council,

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

Reaffirming also the sovereignty, territorial integrity and political independence of the Republic of Bosnia and Herzegovina and the responsibility of the Security Council in this regard,

Reiterating the demands in its resolution 752 (1992) of 15 May 1992 and subsequent relevant resolutions that all forms of interference from outside Bosnia and Herzegovina cease immediately and that its neighbours take swift action to end all interference and respect its territorial integrity,

Recalling the demand in its resolution 819 (1993) of 16 April 1993 that the Federal Republic of Yugoslavia (Serbia and Montenegro) immediately cease the supply of military arms, equipment and services to Bosnian Serb paramilitary units,

Taking into account the report of the Secretary-General of 21 December 1992 on the possible deployment of observers on the borders of the Republic of Bosnia and Herzegovina,⁴⁷

Expressing its condemnation of all activities carried out in violation of resolutions 757 (1992) of 30 May 1992, 787 (1992) of 16 November 1992 and 820 (1993) of 17 April 1993 between the territory of the

⁴⁷ *Official Records of the Security Council, Forty-seventh Year, Supplement for October, November and December 1992, document S/25000.*