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LETTER DATED 17 AUGUST 1995 FROM THE SECRETARY-GENERAL
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

By its resolution 998 (1995) of 16 June 1995, the Security Council decided to authorize an increase in UNPF/UNPROFOR personnel by up to 12,500 additional troops providing a rapid reaction capacity to enable UNPF/UNPROFOR to carry out its mandate. The Council further authorized me to carry forward the implementation of the above-mentioned decision, maintaining close contact with the Government of the Republic of Bosnia and Herzegovina and others concerned.

In this latter connection, my Special Representative for the Former Yugoslavia and the UNPF/UNPROFOR Force Commander undertook consultations with the Government of Bosnia and Herzegovina with a view to facilitating the deployment on its territory of the additional troops authorized by the Council pursuant to its resolution 998 (1995) and the freedom of movement for the units of the Rapid Reaction Force (RRF) which have already arrived in Bosnia and Herzegovina. At the same time, my Special Representative and the UNPF/UNPROFOR Force Commander also undertook consultations with the Government of Croatia with a view to facilitating the disembarkation, transit and, as required, the stationing in Croatian territory of the RRF units as part of UNPF/UNPROFOR.

The two Governments concerned have essentially taken the position that the additional troops authorized, namely the RRF, are not part of the UNPF/UNPROFOR and therefore not covered by the relevant Status of Forces Agreement (SOFA) concluded regarding the latter forces. The Governments of Bosnia and Herzegovina and Croatia further maintain that resolution 998 (1995) was adopted after the conclusion of the SOFA.

My Special Representative, with a view to expediting the deployment of the RRF and facilitating its freedom of movement, conveyed the position of the United Nations to the two Governments. That position in essence is that the decision of the Security Council to authorize the increase of UNPF/UNPROFOR to include the RRF subsequent to the conclusion of the SOFA, cannot be interpreted as excluding the expansion of UNPF/UNPROFOR from the scope of the SOFA. This expansion does not constitute an exceptional decision of the Security Council in the context of the United Nations forces and operations in the former Yugoslavia or a new development in the general context of peace-keeping. Once a peace-

keeping operation has been authorized by the Security Council, the latter may, at any time, before or after the conclusion of the relevant SOFA, reduce or expand the strength of the operation concerned depending on the operational needs. Such reduction or expansion of the force strength does not require the conclusion of additional agreements to the relevant SOFA. This is consistent with the long-standing United Nations practice in the context of peace-keeping operations.

Furthermore, the expansion of UNPF/UNPROFOR to include the RRF as authorized by the Security Council pursuant to its resolution 998 (1995) does not alter the mandate of the forces and operations concerned. In this connection, we have assured the Croatian authorities that the operational mandate of the RRF is confined to Bosnia and Herzegovina, and that the Force is merely seeking the use of transit facilities already assured by the existing SOFA. The position of the two Governments has the effect of delaying the deployment of the RRF which could have serious consequences for the United Nations forces already deployed in the theatre.

Furthermore, the local Croat authorities in Bosnia and Herzegovina have been demanding, sometimes in their own capacity, sometimes on behalf of the Federation of Bosnia-Herzegovina, that the United Nations sign an agreement with them governing the status of the RRF. The United Nations is of the view that the SOFA with the Government of Bosnia and Herzegovina is applicable throughout the entire territory of Bosnia and Herzegovina, and is therefore unnecessary to enter into such an agreement with the Federation of Bosnia-Herzegovina. The local Croat authorities none the less maintain their position, and have created substantial impediments to the deployment, training and freedom of movement of the RRF in territories under their control. The Government of Bosnia and Herzegovina has not ensured, in this case, that the terms of the SOFA are applied throughout its territory. Its representatives have also made additional financial demands, such as requiring compensation for "environmental damage" that may be caused by the RRF.

As a result of the impasse described above, the deployment of a number of major elements of the RRF could not proceed. None of the helicopters of the 24 Airmobile Brigade in Ploce has been allowed to fly into Bosnia and Herzegovina and an artillery battery designated for Mount Igman has been blocked in Ploce since 7 August. In addition, RRF elements already inside Bosnia and Herzegovina have been encountering continuous restrictions on their movements and a total of 16 logistic convoys have been either delayed or blocked during the period from 1 to 16 August. A transport platoon which was due in Bosnia on 23 June has not yet been allowed to leave Ploce and cross into federation-controlled territory.

With a view to overcoming the above-mentioned difficulties, my Special Representative has suggested to the Bosnian authorities that supplementary arrangements, as envisaged in Article VIII of the SOFA (and which would form an integral part of the SOFA), be concluded to cover the issues in question. The United Nations would require that the supplementary arrangements contain a clause which would provide that in the event of conflict between the supplementary arrangements and the SOFA, the latter shall prevail.

In order to avoid any further delays in the deployment of the RRF, I should appreciate it if the matter regarding the position of the two Governments as indicated above is brought to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI
