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FURTHER REPORT OF THE SECRETARY-GENERAL PURSUANT TO
SECURITY COUNCIL RESOLUTION 1009 (1995)

I. INTRODUCTION

1. In paragraphs 33 and 34 of my report (S/1995/730) on the implementation of Security Council resolution 1009 (1995), I noted that I had instructed my Special Representative to discuss with the Croatian Government and the local Serb leadership what tasks, if any, it would be useful for UNCRO to continue to perform in Sector East and elsewhere in Croatia under the current mandate. The present report is the result of those discussions.

2. My Special Representative has carried out consultations on UNCRO's tasks and held meetings with representatives of the Croatian Government, with Serb leaders in Belgrade and with the local Serb authorities in Sector East.

II. CONSIDERATIONS

3. As a result of the radically changed situation in Croatia, my Special Representative has identified the requirement to satisfy three very different demands.

4. First, there is a need to continue with the present tasks of the United Nations in Sector East and to facilitate the development of a peaceful solution. A continued United Nations presence in this area has been requested by both the Government of Croatia and the local Serb authorities in Sector East. It has been made clear in negotiations with both parties that a new spirit of cooperation is indispensable if the United Nations is to continue to expend its limited resources in the area. Particular emphasis has been placed upon the concerns of the troop-contributing countries following recent events in Croatia. During discussions, both parties have strongly indicated their willingness to cooperate and undertake negotiations towards a peaceful solution.

5. Secondly, in the course of the Croatian Army's recapture of Sectors North and South, more than 90 per cent of their Serb inhabitants fled from those areas. Though it was hoped that some of the Serb refugees would return to their homes, the continuing reports of human rights abuses and of the looting and burning of houses have created a climate which is not conducive to such a

development. Indeed, many Serbs from among those who initially chose to remain are now departing or seeking to depart owing to the hostile environment in which they are at present obliged to live. The Croatian Government needs to reinforce its efforts to create the necessary conditions for Serbs to return to these areas and to encourage the residual Serb population to remain. The international community could assist the Croatian Government in creating an environment conducive to the return of all those persons who wish to return; UNCRO could play a valuable role in this regard, in cooperation with the United Nations High Commissioner for Human Rights with respect to human rights activities.

6. Thirdly, the Government of Croatia has requested that the United Nations monitor its border with both the Republic of Bosnia and Herzegovina and the Federal Republic of Yugoslavia (Serbia and Montenegro). Areas of concern include Prevlaka and those areas of Croatia, such as Dubrovnik, which are close to, or contiguous with, Bosnian Serb-controlled territory in Bosnia and Herzegovina.

7. In all negotiations, it has been emphasized that, while the United Nations is willing to extend its good offices to both sides, it is up to the parties to commit themselves to a peaceful solution and to find the political will to achieve it.

8. In the course of extensive negotiation, my Special Representative has obtained the support of the Croatian Government and the local Serb authorities in Sector East for modification of the present UNCRO mandate along the lines set out below.

III. TASKS

9. The plan proposed by my Special Representative, following his discussions and deliberations, is based on six main tasks, most of which have been identified for UNCRO in paragraph 3 of resolution 981 (1995). They are:

(a) Performing fully the functions envisaged in the Cease-fire Agreement of 29 March 1994 between the Republic of Croatia and the local Serb authorities in Sector East (S/1994/367);

(b) Facilitating the implementation of the sections of the Economic Agreement of 2 December 1994 (S/1994/1375) which are relevant to Sector East and arranging local economic initiatives as appropriate;

(c) Facilitating the implementation of all relevant Security Council resolutions, including the functions identified in paragraph 72 of my report of 22 March 1995 (S/1995/222), in particular the continuation of confidence-building and humanitarian tasks, such as assistance to refugees and displaced persons and the monitoring of the treatment of ethnic minorities;

(d) Assisting in controlling, by monitoring and reporting, the crossing of military personnel, equipment, supplies and weapons, over the international borders between the Republic of Croatia and the Federal Republic of Yugoslavia

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(Serbia and Montenegro) at the border crossings in Sector East where UNCRO is deployed;

(e) Monitoring the demilitarization of the Prevlaka peninsula in accordance with Security Council resolution 779 (1992);

(f) Observing and reporting on military incidents in the vicinity of the international border between the Republic of Croatia and the Republic of Bosnia and Herzegovina.

IV. RESOURCE REQUIREMENTS

10. My Special Representative and the Theatre Force Commander at the United Nations Peace Forces headquarters have analysed the functions and responsibilities outlined in paragraph 9 (a) to (f) above. The Security Council has concurred in my proposal to withdraw UNCRO's infantry battalions, with the exception of Sector East (see S/1995/748). Accordingly, the withdrawal of the battalions from Sectors West, North and South has begun and will be completed expeditiously. By the end of September, the strength will have been reduced to 4,190, with further reductions to approximately 2,500 scheduled for October.

11. In the remaining period of the mandate, the tasks in Sector East can largely be accomplished by retaining the present numbers of infantry. Tasks in the rest of Croatia can be achieved within the existing United Nations military observers (UNMOs), civilian police and civilian personnel strength, although some redeployments will be necessary. It should be noted in this context that the border crossing points in Sector East will be maintained by the battalions deployed there, while other border monitoring actions will be executed by UNMOs who will mount mobile patrols.

V. OBSERVATIONS

12. After intensive consultations with both sides, my Special Representative has been assured by the parties that they are willing to resolve the issue of Sector East through negotiation. In addition, both sides have undertaken to improve their level of compliance with existing agreements, and with specific regard to cooperation with UNCRO.

13. The commander of the local Serb forces in Sector East and the commander of the Osijek Operational Zone have met nine times since 25 August 1995, most recently on 25 September, in a Joint Commission convened by the UNCRO Commander Sector East. The Joint Commission is pursuing a plan to stabilize the situation, which includes the withdrawal of troops and weapons from the zone of separation, the restoration of full freedom of movement to UNCRO and the return of seized UNCRO observation posts. Aspects of the plan have been fulfilled, although progress remains slow. Most important, the local Serb authorities in Sector East have stated that they will comply with all the requirements of resolution 981 (1995), including border monitoring. A return to the provisions of the Cease-fire Agreement and the Economic Agreement would not only provide stability but also facilitate negotiations.

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14. The Croatian Government has stated that Serbs are welcome to live in Croatia and that those Serbs who fled following the recapture of Sectors West, North and South are welcome to return. However, UNCRO continues to receive from its Human Rights Action Teams well-documented reports of human rights abuses and destruction of property. The incidents described in those reports do nothing to restore confidence among the Serb minority. A continuing United Nations presence in Croatia will provide one means of monitoring human rights, thus helping to restore the confidence of those Serbs considering returning to, or remaining in, Croatia. In cooperation with the United Nations High Commissioner for Human Rights, UNCRO will therefore continue to deploy Human Rights Action Teams to monitor human rights and provide reassurance to those Serbs who wish to return; these tasks will be carried out in conjunction with the Office of the United Nations High Commissioner for Refugees (UNHCR) and other relevant agencies. Additionally, United Nations involvement in Sector East will enable the international community to monitor the treatment of the minorities by the local Serb authorities. UNCRO, together with the relevant agencies, could establish mechanisms to enhance respect for human rights and also to secure the protection of minorities in Croatia.

15. It should be stressed that the functions identified in paragraph 9 above cannot be performed without the active cooperation of the parties, and in particular the Government of Croatia. As I recalled in paragraph 34 (c) of my earlier report (S/1995/730), the human rights function will require UNCRO to monitor the functioning of the Croatian police in those parts of Croatia in which a minority Serb community remains. I welcome the declared willingness of the Government of Croatia to adhere to the highest international standards in the realm of human rights and expect that the services of UNCRO will help the Government to redeem its pledge.

16. I therefore recommend that the Security Council approve the arrangements set out in the present report. They would apply to the remainder of UNCRO's current mandate, pending ongoing negotiations on the ultimate future of Sector East in the context of an overall political settlement of the crisis in the former Yugoslavia. I shall revert to the Council on any modifications required in the light of those negotiations.
