

**Security Council**

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Letter dated 27 June 2000 from the Chairperson of the Security Council Committee established pursuant to resolution 1160 (1998) addressed to the President of the Security Council

I have the honour to transmit herewith the annual report of the Security Council Committee established pursuant to resolution 1160 (1998) (see annex). The present report, which was adopted by the Committee on 27 June 2000, is being submitted pursuant to the note by the President of the Security Council dated 29 March 1995 (S/1995/234).

(Signed) M. Patricia **Durrant**
Chairperson

Security Council Committee established pursuant to resolution 1160 (1998)

Annex

Report of the Security Council Committee established pursuant to resolution 1160 (1998)

1. The Security Council Committee established pursuant to resolution 1160 (1998) is submitting this report to the Council in accordance with the provisions of paragraph 9 of the aforementioned resolution, which was adopted by the Council on 31 March 1998. The report covers the work of the Committee from 1 January to 31 December 1999.

I. Mandate of the Committee

2. By its resolution 1244 (1999) of 10 June 1999, the Security Council decided, *inter alia*, to deploy in Kosovo, Federal Republic of Yugoslavia, under United Nations auspices, international civil and security presences, the former in the form of the United Nations Interim Administration Mission in Kosovo (UNMIK), and the latter, the Kosovo Force (KFOR). In the second and third preambular paragraphs of the same resolution, the Council recalled its resolutions 1160 (1998) and 1199 (1998), and regretted that they had not been fully complied with. In paragraph 16 of the same resolution, the Council exempted from the established prohibitions arms and related *matériel* for the use of the international civil and security presences. During the period covered by the present report, no modification was made by the Security Council to the mandate of the Committee as outlined in its resolutions 1160 (1998) and 1199 (1998).

3. Following consultations, the members of the Security Council agreed to elect Ambassador Celso L. N. Amorim (Brazil) as Chairman and the delegations of the Gambia and the Netherlands as Vice-Chairmen of the Committee for 1999. In June, Ambassador Gelson Fonseca Jr. (Brazil) was elected Chairman of the Committee for the term ending on 31 December 1999. He succeeded Ambassador Amorim, who left for Geneva to undertake other assignments.

4. The Committee held four formal and seven informal meetings. The present report was adopted by the Committee on 27 June 2000.

II. Status of the implementation of Security Council resolution 1160 (1998)

5. Only one reply was received in 1999 (from Oman) concerning the measures that States had been requested to institute in meeting the obligations set out in paragraph 12 of resolution 1160 (1998).

6. The Committee continued to attach paramount importance to the implementation by States, in particular those bordering the Federal Republic of Yugoslavia, of the prohibitions contained in resolution 1160 (1998). At its meeting held on 11 March 1999, the Committee noted and brought to the attention of the authorities of Bosnia and Herzegovina that it remained the only country bordering the Federal Republic of Yugoslavia which had not yet reported on the steps taken to

give effect to the established prohibitions. Bosnia and Herzegovina has yet to respond to the Committee.

7. On 22 March 1999, the Committee informed the Bulgarian authorities that it was not in a position to approve their request for the shipment of industrial explosives to the Federal Republic of Yugoslavia. Notwithstanding that position, the Committee decided to commend the authorities of Bulgaria for seeking the Committee's advice on this matter.

8. On 22 June 1998, the Bulgarian News Agency BTA reported that a Bulgarian lorry had been detained on 18 June owing to the lack of a special permit for the export of Bulgarian-made spare parts for MI-8 helicopters to the Federal Republic of Yugoslavia. On the basis of that article, the Committee addressed a letter dated 12 January 1999 to the Bulgarian authorities seeking clarification on the issue. The Committee has not yet received a response.

9. On 29 July 1999, responding to the request of the Permanent Mission of Kuwait to the United Nations in which it had sought the advice of the Committee as to whether the export of ammunition for M84 tanks from the Federal Republic of Yugoslavia to the Ministry of Defence of Kuwait, on the basis of a contract concluded in 1989, would be permissible under paragraph 8 of resolution 1160 (1998), the Committee informed the Mission that the matter did not fall within the Committee's mandate.

10. On 16 August 1999, the Committee addressed letters to all international organizations (Danube Commission, European Union (EU), North Atlantic Treaty Organization (NATO), Organization for Security and Cooperation in Europe (OSCE), Western European Union (WEU)) previously involved in the implementation of resolution 1160 (1998) inviting them to renew their assistance to the Committee in discharging its mandate. On 18 October 1999, the Chairman-in-Office of OSCE informed the Committee that the monthly reporting by OSCE had been discontinued following the establishment of UNMIK and that the OSCE mission in Kosovo, Federal Republic of Yugoslavia, was discharging its duties in the province as a component of UNMIK. OSCE indicated further that under resolution 1244 (para. 9 (g)), the responsibility for border monitoring was allocated to KFOR and therefore OSCE would not be able to assist the Committee substantively in its work. OSCE would, nevertheless, be ready to make available information it might come across in the course of fulfilling its tasks in the region, both in Kosovo and in those countries adjacent to the Federal Republic of Yugoslavia in which it maintained a field presence.

11. On 13 August 1999, the Committee reminded the Government of Albania, as a neighbouring State of the Federal Republic of Yugoslavia, that it had an important role to play in ensuring the implementation of resolution 1160 (1998), in particular concerning paragraph 8, which required that States prevent the sale or supply to the Federal Republic of Yugoslavia, including Kosovo, by their nationals or from their territories, of arms and related *matériel* of all types and spare parts thereof, and that States prevent arming and training for terrorist activities there. The Committee also expressed its conviction that the Government of Albania would undertake all the necessary steps which could contribute to the concerted efforts of the international community to foster stability and peace in Kosovo, Federal Republic of Yugoslavia, and the region.

12. On 17 November 1999, the Committee addressed identical letters to the States neighbouring the Federal Republic of Yugoslavia (Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Hungary, Romania and the former Yugoslav Republic of Macedonia) in which it reminded them that the primary responsibility for the strict implementation of the measures imposed by the Security Council under Chapter VII of the Charter of the United Nations rested with Member States and pointed out that neighbouring States, in particular had a crucial role to play in enforcing and monitoring sanctions measures and reporting on any violations. In that regard, the Committee sought information on the concrete measures, based on enacted specific legislation or any other action, taken to implement resolutions 1160 (1998) and 1199 (1998), in addition to those measures adopted pursuant to paragraph 12 of resolution 1160 (1998). Only Bulgaria has responded to that request.

13. On 22 December 1999, the Committee requested that the Secretary-General forward its invitation to the international civilian (UNMIK) and security (KFOR) presences in Kosovo, Federal Republic of Yugoslavia, to consider possible arrangements which would allow them to report on possible violations of the prohibitions established by resolution 1160 (1998).

14. On 29 December 1999, the Under-Secretary-General for Peacekeeping Operations addressed a letter to the Chairman of the Committee on behalf of Bernard Kouchner, Special Representative of the Secretary-General and Head of UNMIK, in which he informed the Committee of the intention of UNMIK to provide side arms for use by the Kosovo Police Service, to be obtained either on a voluntary basis or by purchase. The weapons would remain the exclusive property of UNMIK and their use would be controlled by UNMIK.

15. The United Kingdom of Great Britain and Northern Ireland submitted six requests for approval to transfer demining equipment to humanitarian demining organizations working for UNMIK in Kosovo, Federal Republic of Yugoslavia. The Committee approved all of the submitted requests under the no-objection procedure.

III. Cooperation with regional organizations

16. Reports on violations and alleged violations of the sanctions measures from regional and international organizations were limited, especially in the second half of 1999. The Committee discussed at several meetings how best to implement its mandate given this lack of information from the above organizations and the new political framework established by the Security Council in its resolution 1244 (1999).

17. During the period under consideration, the Committee received in total 83 OSCE reports and 2 reports from the United Nations Preventive Deployment Force (UNPREDEP) informing the Committee of possible violations. Although EU and WEU did not provide information on violations, they pledged to assist the Committee in its work. The Danube Commission reported on one occasion that no violations had been observed. The Committee received one report from SFOR reporting on its activities in Bosnia and Herzegovina in connection with the implementation of the arms embargo. The Committee also considered 59 press articles on possible violations; 23 of the articles were circulated at the request of a member of the Committee.

18. In his letter dated 22 December 1999 addressed to the Secretary-General, the Chairman of the Sanctions Committee referred to his earlier invitation to the international civil (UNMIK) and security (KFOR) presences in Kosovo, Federal Republic of Yugoslavia, on 6 August and 7 September 1999, respectively, to consider possible arrangements that would allow them to report on possible violations of the prohibitions established by resolution 1160 (1998).

IV. Violations and allegations of violations

19. At several meetings, the Committee considered reports on violations of the prohibitions established by Security Council resolutions 1160 (1998) and 1199 (1998). According to OSCE reports at the beginning of 1999 from the OSCE verification and border monitoring missions in the region, smuggling from Albania to Kosovo, Federal Republic of Yugoslavia, continued. The last report received by the Committee on the activities of UNPREDEP, submitted pursuant to Security Council resolution 1186 (1998), was dated 1 March 1999. Since no reports were received from either States or international organizations after May 1999, the Committee relied upon information gathered by the Secretariat from public sources. Such information indicated that violations of the prohibitions established by resolutions 1160 (1998) and 1199 (1998) had occurred.

V. Observations and recommendations

20. The work of the Sanctions Committee under resolution 1160 (1998) was affected by the absence of an effective comprehensive monitoring mechanism to ensure the effective implementation of the arms embargo and other prohibitions and by the lack of information on possible violations. Therefore, the Committee continued to appeal to the States neighbouring the Federal Republic of Yugoslavia and others for information on reported or suspected violations. The information provided by the Secretariat from public sources on possible violations did not often allow the Committee to forward information to Member States enabling them to launch investigations on possible violations.

21. Given that the primary responsibility for the implementation of the prohibitions lies with States, the Committee would like to see a more proactive approach by Governments to the implementation of the established prohibitions, especially with regard to their reporting on possible violations and actions taken to prevent such violations. The Committee considers that it would be useful to further encourage such an approach.

22. With a view to assisting and encouraging Governments in their endeavour to implement the arms embargo and other prohibitions, the Committee is contemplating sending a mission to the region, headed by the Chairman of the Committee, when appropriate.

23. The Committee continues to observe that few States had transmitted any specific information pursuant to paragraph 12 of resolution 1160 (1998) on steps taken to give effect to the prohibitions contained in paragraph 8 of the resolution. Only a few States indicated what measures in fact had been taken to give effect to

the prohibitions established by the Security Council. The Committee feels that this issue should be addressed by the Committee in future.

24. The Committee's contribution to peace and stability in Kosovo, Federal Republic of Yugoslavia, by the strict observance of the established prohibitions, can be increased provided that further steps are taken to strengthen the envisaged monitoring arrangements in order to achieve the objectives set out by the Security Council in its relevant resolutions.
