

Republic of Yugoslavia (Serbia and Montenegro) to launch air attacks against the territory of the Republic of Bosnia and Herzegovina.

“The Council has mandated its President to convey to the Minister for Foreign Affairs of the Federal Republic of Yugoslavia (Serbia and Montenegro) and to the leader of the Bosnian Serbs its deepest concern about the above-mentioned developments and its demand that they take immediate action to prevent any repetitions of these attacks.

“The Council will continue to consider what additional steps may be required to secure implementation of the provisions of relevant Security Council resolutions.”

At its 3186th meeting, on 25 March 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 Bosnia and Herzegovina”.

At the same meeting, following consultations held earlier with the members of the Security Council, the President made the following statement on behalf of the Council:<sup>15</sup>

“The Security Council warmly welcomes the signature by President Alija Izetbegovic and Mr. Mate Boban of all four documents of the peace plan for Bosnia and Herzegovina worked out by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia.

“On this important occasion the Council pays tribute to the untiring efforts of the Co-Chairmen, Secretary Vance and Lord Owen.

“The Council commends the action of the two parties who have signed all the documents and calls on the remaining party to sign without delay the two documents of the peace plan that it has not already signed and to cease its violence, offensive military actions, ‘ethnic cleansing’ and obstruction of humanitarian assistance.

“The Council calls for an immediate cessation of hostilities by all parties.

“The Council looks forward to receiving a report from the Secretary-General on the developments in the International Conference and stands ready to take action to follow up on the report and to take the steps required to bring about the peace settlement.”

At its 3191st meeting, on 31 March 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 Bosnia and Herzegovina”.

**Resolution 816 (1993)**  
of 31 March 1993

*The Security Council,*

*Recalling* its resolutions 781 (1992) of 9 October 1992 and 786 (1992) of 10 November 1992,

<sup>15</sup> S/25471.

*Recalling also* paragraph 6 of resolution 781 (1992) and paragraph 6 of resolution 786 (1992) in which the Council undertook to consider urgently, in the case of violations of the ban on military flights in the airspace of the Republic of Bosnia and Herzegovina, the further measures necessary to enforce the ban,

*Deploring* the failure of some parties concerned to cooperate fully with airfield monitors of the United Nations Protection Force in the implementation of resolutions 781 (1992) and 786 (1992),

*Deeply concerned* by the various reports of the Secretary-General concerning violations of the ban on military flights in the airspace of Bosnia and Herzegovina,<sup>16</sup>

*Deeply concerned in particular* by the letters dated 12<sup>13</sup> and 16 March<sup>14</sup> 1993 from the Secretary-General to the President of the Security Council concerning new blatant violations of the ban on military flights in the airspace of Bosnia and Herzegovina, and recalling in this regard the statement by the President of the Security Council of 17 March 1993,<sup>15</sup> and in particular the reference to the bombing of villages in Bosnia and Herzegovina,

*Recalling* the provisions of Chapter VIII of the Charter of the United Nations,

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

*Acting* under Chapter VII of the Charter,

1. *Decides* to extend the ban established by resolution 781 (1992) to cover flights by all fixed-wing and rotary-wing aircraft in the airspace of the Republic of Bosnia and Herzegovina, this ban not to apply to flights authorized by the United Nations Protection Force in accordance with paragraph 2 below;

2. *Requests* the Force to modify the mechanism referred to in paragraph 3 of resolution 781 (1992) so as to provide for the authorization, in the airspace of Bosnia and Herzegovina, of humanitarian flights and other flights consistent with relevant resolutions of the Council;

3. *Also requests* the Force to continue to monitor compliance with the ban on flights in the airspace of Bosnia and Herzegovina, and calls on all parties urgently to cooperate with the Force in making practical arrangements for the close monitoring of authorized flights and improving the notification procedures;

4. *Authorizes* Member States, seven days after the adoption of the present resolution, acting nationally or through regional organizations or arrangements, to take, under the authority of the Security Council and subject to close coordination with the Secretary-General and the Force, all necessary measures in the airspace of Bosnia and Herzegovina, in the event of further violations, to ensure compliance with the ban on flights referred to in paragraph 1 above, and proportionate to the specific circumstances and the nature of the flights;

5. *Requests* the Member States concerned, the Secretary-General and the Force to coordinate closely on the measures they are taking to implement paragraph 4 above, including the rules of engagement, and on the starting date of its implementation, which should be no later than seven days from the date when the authority conferred by paragraph 4

<sup>16</sup> *Official Records of the Security Council, Forty-seventh Year, Supplement for October, November and December 1992*, documents S/24783, S/24810, S/24840, S/24870, S/24900 and Add.1-7; and *ibid.*, *Forty-eighth Year, Supplement for January, February and March 1993*, documents S/24900/Add.8-31.

above takes effect, and to report the starting date to the Council through the Secretary-General;

6. *Decides* that, in the event of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia notifying the Council that all the Bosnian parties have accepted their proposals on a settlement before the starting date referred to in paragraph 5 above, the measures set forth in the present resolution will be subsumed into the measures for implementing that settlement;

7. *Also requests* the Member States concerned to inform the Secretary-General immediately of any actions they take in exercise of the authority conferred by paragraph 4 above;

8. *Requests* the Secretary-General to report regularly to the Council on the matter and to inform it immediately of any actions taken by the Member States concerned in exercise of the authority conferred by paragraph 4 above;

9. *Decides* to remain actively seized of the matter.

*Adopted at the 3191st meeting by 14 votes to none, with 1 abstention (China).*

### Decisions

At its 3192nd meeting, on 3 April 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 Bosnia and Herzegovina: letter dated 2 April 1993 from the Secretary-General addressed to the President of the Security Council (S/25519)".<sup>17</sup>

At the same meeting, following consultations held earlier with the members of the Security Council, the President made the following statement on behalf of the Council:<sup>18</sup>

"The Security Council is shocked by and extremely alarmed at the dire and worsening humanitarian situation which has developed in Srebrenica in the eastern part of the Republic of Bosnia and Herzegovina following the unacceptable decision of the Bosnian Serb party not to permit any further humanitarian aid to be delivered to that town and to allow only evacuation of its civilian population. The relevant facts are contained in a letter dated 2 April 1993, addressed to the Secretary-General by the United Nations High Commissioner for Refugees.<sup>19</sup>

"The Council recalls and reaffirms all its relevant resolutions and statements and condemns the continuing disregard and wilful flouting of them by the Bosnian Serb party, which once again, in pursuit of its unlawful, unacceptable and abhorrent policy of 'ethnic cleansing' aimed at territorial aggrandizement, has blocked the United Nations humanitarian relief efforts.

"Recognizing the imperative need to alleviate, with the utmost urgency, the sufferings of the population in and around Srebrenica who are in desperate need of food, medicine, clothes and shelter, the

<sup>17</sup> *Ibid.*, *Forty-eighth Year, Supplement for April, May and June 1993*.

<sup>18</sup> S/25520.

<sup>19</sup> *Official Records of the Security Council, Forty-eighth Year, Supplement for April, May and June 1993*, document S/25519.

Council demands that the Bosnian Serb party cease and desist forthwith from all violations of international humanitarian law, including in particular the deliberate interference with humanitarian convoys, and allow all such convoys unhindered access to the town of Srebrenica and other parts of Bosnia and Herzegovina. The Council demands that the Bosnian Serb party strictly comply with all relevant resolutions of the Council. It further demands that the Bosnian Serb party honour forthwith its most recent commitment 'to guarantee the free movement of humanitarian convoys and the protection of endangered civilians'. The Council also reaffirms that those guilty of crimes against international humanitarian law will be held individually responsible by the world community.

"The Council commends and strongly supports the efforts of the brave people who have undertaken to deliver urgently needed humanitarian assistance, under extremely trying conditions, to the civilian population in Bosnia and Herzegovina, and in particular the efforts of the United Nations High Commissioner for Refugees and the United Nations Protection Force.

"The Council recalls the request it made to the Secretary-General in its statement of 3 March 1993<sup>11</sup> to take immediate steps to increase the presence of the Force in eastern Bosnia, welcomes the action taken already in that respect, and urges the Secretary-General and the High Commissioner to use all the resources at their disposal within the scope of the relevant resolutions of the Council to reinforce the existing humanitarian operations in Bosnia and Herzegovina.

"The Council will remain actively seized of the matter."

On 8 April 1993, following consultations held on the same day, the President made the following statement to the media on behalf of the Council:<sup>20</sup>

"The members of the Security Council express their concern at the report of the International Committee of the Red Cross (ICRC), according to which 17 detainees lost their lives on 26 March 1993 in the Republic of Bosnia and Herzegovina, when the vehicle transporting them from the Batkovic Camp (under the control of Serb forces) for work at the front was ambushed.

"The members of the Council, recalling all the relevant resolutions and statements of the Council, remind all the parties that they are responsible at all times for the detainees' safety and that they must not compel detainees to do work of a military nature or destined to serve a military purpose. The ICRC had already repeatedly called on all parties to the conflict in Bosnia and Herzegovina strictly to observe the provisions of international humanitarian law.

"The members of the Council condemn all violations of the Third<sup>21</sup> and Fourth<sup>22</sup> Geneva Conventions, which the parties have undertaken to respect, and reaffirm once again that those who commit or order the commission of such acts will be held personally responsible.

<sup>20</sup> S/25557.

<sup>21</sup> Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949 (United Nations, *Treaty Series*, vol. 75, No. 972).

<sup>22</sup> Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 (United Nations, *Treaty Series*, vol. 75, No. 973).