

UN Security Council resolution 1031 (1995) on implementation of the Peace Agreement for BiH and transfer of authority from the UN Protection Force to the multinational Implementation Force (IFOR)

RESOLUTION 1031 (1995)

*Adopted by the Security Council at its 3607th meeting, on 15
December 1995*

The Security Council,

Recalling all its previous relevant resolutions concerning the
conflicts in
the former Yugoslavia,

Reaffirming its commitment to a negotiated political
settlement of the
conflicts in the former Yugoslavia, preserving the territorial
integrity of all
States there within their internationally recognized borders,

Welcoming the signing on 14 December 1995 at the Paris Peace
Conference of

the General Framework Agreement for Peace in Bosnia and Herzegovina and the Annexes thereto (collectively the Peace Agreement, S/1995/999, annex) by the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia and the other parties thereto,

Welcoming also the Dayton Agreement on implementing the Federation of Bosnia and Herzegovina of 10 November 1995 (S/1995/1021, annex),

Welcoming further the conclusions of the Peace Implementation Conference held in London on 8 and 9 December 1995 (the London Conference) (S/1995/1029), and in particular its decision to establish a Peace Implementation Council and its Steering Board as referred to in those conclusions,

Paying tribute to the International Conference on the Former Yugoslavia (ICFY) for its efforts aimed at achieving a peace settlement and *taking note* of the decision of the London Conference that the Peace Implementation Council will subsume the ICFY,

Having considered the report of the Secretary-General of 13 December 1995 (S/1995/1031),

Determining that the situation in the region continues to constitute a

threat to international peace and security,

Determined to promote the peaceful resolution of the conflicts in accordance with the purposes and principles of the Charter of the United Nations,

Acting under Chapter VII of the Charter of the United Nations,

I

1.*Welcomes and supports* the Peace Agreement and *calls upon* the parties to fulfil in good faith the commitments entered into in that Agreement;

2.*Expresses* its intention to keep the implementation of the Peace Agreement under review;

3.*Welcomes* the progress made towards mutual recognition among the successor States to the former Socialist Federal Republic of Yugoslavia, within their internationally recognized borders;

4.*Reaffirms* its resolutions concerning compliance with international humanitarian law in the former Yugoslavia, *reaffirms* also that all States shall cooperate fully with the International Tribunal for the Former Yugoslavia and its organs in accordance with the provisions of resolution 827 (1993) of

25 May 1993 and the Statute of the International Tribunal, and shall comply with requests for assistance or orders issued by a Trial Chamber under article 29 of the Statute, and *calls upon* them to allow the establishment of offices of the Tribunal;

5.*Recognizes* that the parties shall cooperate fully with all entities involved in implementation of the peace settlement, as described in the Peace Agreement, or which are otherwise authorized by the Security Council, including the International Tribunal for the Former Yugoslavia, and that the parties have in particular authorized the multinational force referred to in paragraph 14 below to take such actions as required, including the use of necessary force, to ensure compliance with Annex 1-A of the Peace Agreement;

6.*Welcomes* the agreement by the Organization for Security and Cooperation in Europe (OSCE) to adopt and put in place a programme of elections for Bosnia and Herzegovina, at the request of the parties to Annex 3 of the Peace Agreement;

7.*Welcomes also* the parties' commitment, as specified in the Peace Agreement, to securing to all persons within their jurisdiction the highest level of internationally recognized human rights and fundamental freedoms, stresses that compliance with this commitment is of vital

importance in
achieving a lasting peace, and *welcomes* the invitation by the
parties to the
United Nations Commission on Human Rights, the OSCE, the
United Nations High
Commissioner for Human Rights and other intergovernmental or
regional human
rights missions or organizations to monitor closely the human
rights situation
in Bosnia and Herzegovina;

8.*Welcomes further* the parties' commitment to the right of all
refugees
and displaced persons freely to return to their homes of
origin in safety, *notes*
the leading humanitarian role which has been given by the
Peace Agreement to the United Nations High Commissioner for
Refugees, in coordination with other
agencies involved and under the authority of the Secretary-
General, in assisting
with the repatriation and relief of refugees and displaced
persons, and *stresses*
the importance of repatriation being phased, gradual and
orderly;

9.*Emphasizes* the importance of the creation of conditions
conducive to
the reconstruction and development of Bosnia and Herzegovina
and *encourages*
Member States to provide assistance for the programme of
reconstruction in that
country;

10.*Underlines* the relationship, as described in the
conclusions of the
London Conference, between the fulfilment by the parties of

their commitments in
the Peace Agreement and the readiness of the international
community to commit
financial resources for reconstruction and development;

11.*Welcomes* the agreement of the parties to Annex 1-B of the
Peace

Agreement that establishment of progressive measures for
regional stability and

arms control is essential to creating a stable peace in the
region, *emphasizes*

the importance of all Member States supporting their efforts
to this end, and

supports the OSCE's commitment to assist the parties with the
negotiation and

implementation of such measures;

II

12.*Welcomes* the willingness of the Member States acting
through or in

cooperation with the organization referred to in Annex 1-A of
the Peace

Agreement to assist the parties to the Peace Agreement by
deploying a

multinational implementation force;

13.*Notes* the invitation of the parties to the international
community to

send to the region for a period of approximately one year a
multinational

implementation force to assist in implementation of the
territorial and other

militarily related provisions of Annex 1-A of the Peace
Agreement;

14.*Authorizes* the Member States acting through or in cooperation with the organization referred to in Annex 1-A of the Peace Agreement to establish a multinational implementation force (IFOR) under unified command and control in order to fulfil the role specified in Annex 1-A and Annex 2 of the Peace Agreement;

15.*Authorizes* the Member States acting under paragraph 14 above to take all necessary measures to effect the implementation of and to ensure compliance with Annex 1-A of the Peace Agreement, *stresses* that the parties shall be held equally responsible for compliance with that Annex, and shall be equally subject to such enforcement action by IFOR as may be necessary to ensure implementation of that Annex and the protection of IFOR, and *takes note* that the parties have consented to IFOR's taking such measures;

16.*Authorizes* the Member States acting under paragraph 14 above, in accordance with Annex 1-A of the Peace Agreement, to take all necessary measures to ensure compliance with the rules and procedures, to be established by the Commander of IFOR, governing command and control of airspace over Bosnia and Herzegovina with respect to all civilian and military air traffic;

17.*Authorizes* Member States to take all necessary measures, at

the

request of IFOR, either in defence of IFOR or to assist the force in carrying out its mission, and *recognizes* the right of the force to take all necessary measures to defend itself from attack or threat of attack;

18.*Demands* that the parties respect the security and freedom of movement of IFOR and other international personnel;

19.*Decides* that, with effect from the day on which the Secretary-General reports to the Council that the transfer of authority from the United Nations Protection Force (UNPROFOR) to IFOR has taken place, the authority to take certain measures conferred upon States by resolutions 770 (1992) of 13 August 1992, 781 (1992) of 9 October 1992, 816 (1993) of 31 March 1993, 836 (1993) of 4 June 1993, 844 (1993) of 18 June 1993 and 958 (1994) of 19 November 1994 shall be terminated, and that the provisions of resolution 824 (1993) of 6 May 1993 and subsequent resolutions regarding safe areas shall also be terminated from the same date;

20.*Requests* the Government of Bosnia and Herzegovina to cooperate with the IFOR Commander to ensure the effective management of the airports in Bosnia and Herzegovina, in the light of the responsibilities conferred on IFOR by Annex 1-A of the Peace Agreement with regard to the airspace

of Bosnia and
Herzegovina;

21.*Decides*, with a view to terminating the authorization granted in paragraphs 14 to 17 above one year after the transfer of authority from UNPROFOR to IFOR, to review by that date and to take a decision whether that authorization should continue, based upon the recommendations from the States participating in IFOR and from the High Representative through the Secretary-General;

22.*Decides also* that the embargo imposed by resolution 713 (1991) of 25 September 1991 shall not apply to weapons and military equipment destined for the sole use of the Member States acting under paragraph 14 above, or of international police forces;

23.*Invites* all States, in particular those in the region, to provide appropriate support and facilities, including transit facilities, for the Member States acting under paragraph 14 above;

24.*Welcomes* the conclusion of the agreements concerning the status of forces as referred to in Appendix B to Annex 1-A of the Peace Agreement, and *demand*s that the parties comply fully with those agreements;

25.*Requests* the Member States acting through or in cooperation

with the
organization referred to in Annex 1-A of the Peace Agreement
to report to the
Council, through the appropriate channels and at least at
monthly intervals, the
first such report be made not later than 10 days following the
adoption of this
resolution;

26.*Endorses* the establishment of a High Representative,
following the
request of the parties, who, in accordance with Annex 10 on
the civilian
implementation of the Peace Agreement, will monitor the
implementation of the Peace Agreement and mobilize and, as
appropriate, give guidance to, and
coordinate the activities of, the civilian organizations and
agencies involved,
and *agrees* the designation of Mr. Carl Bildt as High
Representative;

27.*Confirms* that the High Representative is the final
authority in
theatre regarding interpretation of Annex 10 on the civilian
implementation of
the Peace Agreement;

28.*Decides* that all States concerned, and in particular those
where the
High Representative establishes offices, shall ensure that the
High
Representative enjoys such legal capacity as may be necessary
for the exercise
of his functions, including the capacity to contract and to
acquire and dispose
of real and personal property;

29. *Notes* that close cooperation between IFOR, the High Representative and the agencies will be vital to ensure successful implementation;

30. *Affirms* the need for the implementation of the Peace Agreement in its entirety and, in this context, *stresses* the importance it attaches to the urgent implementation of Annex 11 of the Peace Agreement, *decides* to act expeditiously on the report of the Secretary-General recommending the establishment of a United Nations Civilian Police Force with the tasks set out in that Annex, together with a civilian office with the responsibilities described in the report of the Secretary-General, and *further decides* that in the interim civilian police, de-mining, civil affairs and other personnel that might be required to carry out the tasks described in that report shall continue in theatre, notwithstanding the provisions of paragraphs 33 and 34 below;

31. *Stresses* the need for early action in Sarajevo to create confidence between the communities and to this end *requests* the Secretary-General to ensure the early redeployment of elements of United Nations civilian police from the Republic of Croatia to Sarajevo;

32. *Requests* the Secretary-General to submit to the Council reports from

the High Representative, in accordance with Annex 10 of the Peace Agreement and the conclusions of the London Conference, on the implementation of the Peace Agreement;

III

33.*Decides* that the mandate of UNPROFOR shall terminate on the date on which the Secretary-General reports to the Council that the transfer of authority from UNPROFOR to IFOR has taken place;

34.*Approves* the arrangements set out in the report of the Secretary-General on the withdrawal of UNPROFOR and headquarters elements from the United Nations Peace Force (UNPF), including the arrangements for the command and control of UNPROFOR following the transfer of authority from it to IFOR;

35.*Expresses* its warmest appreciation to all UNPROFOR personnel, who have served the cause of peace in the former Yugoslavia, and *pays tribute* to those who have given their lives and those who have suffered serious injuries in that service;

36.*Authorizes* the Member States acting under paragraph 14 above to use all necessary means to assist in the withdrawal of UNPROFOR;

37.*Calls upon* the parties to ensure the safety and security of

UNPROFOR

and *confirms* that UNPROFOR will continue to enjoy all existing privileges and immunities, including during the period of withdrawal;

38.*Requests* the Secretary-General to report to the Council when the withdrawal of UNPROFOR is complete;

IV

39.*Recognizes* the unique, extraordinary and complex character of the present situation in Bosnia and Herzegovina, requiring an exceptional response;

40.*Decides* to remain seized of the matter.