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ASSISTANT SECRETARY OF DEFENSE

2400 DEFENSE PENTAGON WASHINGTON, DC 20301-2400 1-95/41801

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MEMORANDUM FOR

SECRETARY OF DEFENSE DEPUTY SECRETARY OF DEFENSE

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A 7.6M Mandom UNDER SECRETARY OF DEFENSE (POLICY)

FROM:

ASSISTANT SECRETARY OF DEFENSE/ INTERNATIONAL SECURITY AFFAIRS Contraction Prepared by Bosnia Task Force/x40661

SUBJECT:

Bosnia-Principals' Committee Meeting (U) INFORMATION MEMORANDUM

(8) A Principals Committee (PC) meeting is scheduled for June 6, 1995, from 2:30 - 4:00 p.m. in the White House Situation Room. The agenda is attached. Suggested talking points, keyed to the NSC agenda, are at Tab A.

(5) The first items for discussion are "Bosnia - Immediate Next Steps." As a leadoff, you and the Chairman are asked to provide an update on the downed F-16 and our response. Next, the NSC has also asked that you detail the results of the meeting in Paris and the steps that should follow. Key to this discussion is the response from the other nations to determine the exact U.S. support requirement so that we can follow through on our offer. Subsequent planning will take place at EUCOM and AFSOUTH. Costs cannot yet be determined, but the operating assumption is that this will be a "pay-yourown- costs" effort.

(U) We will forward papers not yet received if/when received prior to the PC meeting.

Index of Tab Enclosures

A	-	OSD's Talking Points /Legal status of Deny Flight aircrews	
B	-	State's report on hostage release efforts	
С	-	State's report on the future of Frasure-Milosevic talks	
D	-	SECDEF commitment proposal/JCS report on the French M meeting and next steps	OD
E	-	J3 OPLAN 40104 briefing charts	
F	-	UN SYG options paper for a new UNPROFOR, May 30, 19	95 8
G	-	State paper on 407 notification issues	*
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NSC PRINCIPALS COMMITTEE MEETING ON BOSNIA

DATE:	June 6, 1995	100 10
LOCATION:	White House Situation	Room
TIME:	2:30 - 4:00 p.m.	

Revised Agenda

I.	Bos	nia - Immediate Next Steps					
	A.	Downed Aircraft ResponseOSD/JCS					
	В.	Hostage release effortsState					
	c.	Future of Fresure-Milosevic TalksState					
	D.	Status of U.S. ICFY Border MonitorsOVP					
	E.	Airdrop ReliefJCS/OSD					
11.	UNPROFOR Reconfiguration						
	A.	Results of French MOD Meeting and Next StepsOSD					
	в.	Redeployment Option PlanningJCS					
	c.	Strategy for UNSC DeliberationsState					
III.	Legi	slative Issues					
	A.	407 NotificationState					
	B	Consultation Strategy.					

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PRINCIPALS COMMITTEE ON THE FORMER YUGOSLAVIA JUNE 6, 1995

Points to Make

Downed Aircraft Response:

-Efforts to confirm the status of the pilot continue;

-Deny Flight missions continue but with enhanced SEAD capability;

-If alive, demand release of our pilot along with all other UN hostages;

-Detention is illegal under international law;

-They are not POWs; they are "UN experts on mission";

-Negotiations for release should be part of the general international process for hostage release;

-Negotiate the details of hostage release, not the conditions of release;

- Hostage relief efforts: Our military options are severely constrained so long as the Bosnian Serbs hold hostages. They know that. We should not expect a rapid release of the hostages.
- Future of the Frasure-Milosevic Talks: If Milosevic becomes central to the international community's hostage release effort, the price for any recognition deal will be very high. The ability of Milosevic to obtain the release of all the hostages is doubtful. We should not redeploy any of the U.S. ICFY monitors (maximum 45 contractors, 5 DOS)

personnel) to the border until the hostage situation is resolved (added Tab H).

Results of the Paris Meeting and Next Steps:

- MODs/CHODs meeting was a success. They agreed to try to improve rather than withdraw UNPROFOR. That supports our objective to retain UNPROFOR rather than assist in its withdrawal.

--The key improvement is the creation a two-brigade Rapid Reaction Force (RRF), composed of:

-UK 24th Air Mobile Brigade;

-Multinational Brigade from British, French, Dutch, and other elements.

-Otherwise, no fundamental change is expected in UNPROFOR, procedures, its mandate, and ROE.

-Our promises of equipment need to be tied to specific requirements. Those details are being worked out so that we can follow through on our pledge to strengthen UNPROFOR and RRF. -Funding: Our operating assumption is that each nation will pay its own costs for this RRF.

- OPLAN 40104: Congressional consultations on the basic plan should be completed this week. Thus far there is general recognition that the U.S. should support a total withdrawal plan, if done by NATO.
- Legislative Issues: We will need a supplemental appropriation to support UNPROFOR withdrawal-possibly the RRF as well.

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INFORMATION PAPER

SUBJECT: Legal status of aircrews flying in support of UNPROFOR

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1. Parpose. To provide a discussion of the legal status of aircrews flying in support of UNPROFOR operations in the Balkans in the event of their capture.

2. Executive summary. U.S. aircrews who are flying missions in support of UNPROFOR are United Nations "Experts on Mission." If detained by a belligerent to the conflict, their legal status is that of an *unlawful detainee*. As an *unlawful detainee*, they should be accorded, at a minimum, the privileges and benefits of a prisoner of war; however, they are not a prisoner of war.

2. Discussion. UNPROFOR personnel and U.S. forces that are providing support to UNPROFOR as part of a multinational contingent are not considered belligerents participating in an international armed conflict. Accordingly, should DENY FLIGHT aircrew be captured, they are not prisoners of war. The belligerents in the context of this conflict are Bosnia-Hercegovina, Croatia, and Yugoslavia (Serbin and Montenegro).

The United Nations, NATO, the United States, and other coalition forces are not at war with any of these governments. The United Nations has accorded all U.S. aircrews flying in support of UNPROFOR "Expert on Mission Status." This is a diplomatic status defined by the 1946 Convention on the Privileges and Immunities of the United Nations. As UN Experts on Mission, these Service members are legally immune from personal arrest or detention. In the case of capture, international law requires that these Service members be accorded, at the minimum, the privileges and benefits conferred upon prisoners of war by the Third Geneva Convention (EPW) of 1949; however, captured aircrews are not prisoners of war, they are unlawful detainees.

Prepared by:

OCJCS/LC, x71137, 2 June 1995

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SECRETARY OF DEFENSE WILLIAM PERRY'S PROPOSALS

FOR

POSSIBLE US CONTRIBUTIONS TO UNPF AND PROPOSED QUICK IREACTION FORCE

Secretary Perry proposed the following U.S. forces and capabilities to enhance the capacity of the UN Protection Force and the QRF

1. Close air support. Reaffirmed the provision of CAS as needed and offered the availability of AC-130 gunships with their unique capability for close au-support; exponential the Gurs: functor forst.

2. Equipment, the transfer or loan of attack helicopters, radars, communications geer, and night vision equipment.

3. Intelligence. Establishment of an intelligence coordination cell with the ORF to provide timely intelligence.

4. Lift. Provision of lift, especially strategic lift of forces and equipment to the theater of operations.

The US Department of Detense will undertake arrangements to provide the above material and capabilities.

Secretary Perry also reaffirmed that the United States will not provide ground combat forces.

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Copy To: OSD (ISA/EUR) US Commander in Chief, Europe Directors, J-2, J-3, J-4, J-5, J-7, J-8

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Purpose:

- Present NATO's plan for UNPROFOR withdrawal
- subject to continuing Congressional - Gain approval for US participation consultations

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DETERMINED EFFORT NATO Plan to Support UNPROFOR Withdrawal

- The Plan
- Withdraws UNPROFOR from B-H or Croatia
- Provides force options for:
- Emergency extraction
- Total withdrawal
- Execution requires UNSC / NAC approval
- The Plan does not
- Provide for humanitarian / refugee support
- Provide for subsequent operations



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Emergency Withdrewel Plan Concept Plan: DARING LION



- extract UNPROFOR from eastern • Mission: On emergency basis, enclaves
- NATO Command & Control (AFSOUTH)
- · Forces:
- MEU (SOC) available now F
 - Airmobile Bde 18 Jun
- **Multinational Planning**

- Capabilities

- Convoy/route security I
 - Reaction force
 - Fire support
- Personnel extraction 1
 - Hostage rescue 1



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	Personnel	Helicopters
MEU (SOC)	2,040	23
Airmobile TF	7,500	157



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DETERMINED EFFORT - Phases I & II Theater Opening / Deployment (D-60 to D-Da

PHASE I (Con't)

- Battle staff training Establish multinational
 - establish muluhauon logistics bases

PHASE II

- Position theater opening forces
- Multinational Amphibious Task Force Reserve deploys
 - Main body deploys
 Combat forces assemi
- Combat forces assemble in Italy and Croatia

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DETERMINED EFFORT - All Phases Air Forces/ Naval Forces/ Theater Reserve

NATO ROE

Air Forces

- Operation Deny Flight continues
- No Dual Key

Naval Forces

 Operation Sharp Guard continues

Theater Reserve

 US/UK/French amphibious task force



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DETERMINED EFFORT	Additional Forces	"Projected to date" 	47,000 (BH: 16,000) 14,900 (BH: 10,000)	-	. 2,400	3,600	1.500	0 24,400 Total Now 82,500	"plan continues to be refined"
DECLASSIFIED IN FULL Authority: E0 13526 Chief, Records & Declass Div, WHS Date: MAY 2 9 2019		"Projected I Non-U.S. NATO		1,100	7,800	1,700	500	58,100 Tot	
			Ground Forces	Air Forces	Navy Forces	Marine Forces	SOF	Total	







Assumptions:

- High ground and air OPTEMPO (no hostilities): CVBG, ARG/MEU, Opn Deny Flight & Sharp Guard forces increased OPTEMPO for 6 months
- U.S. Forces deploy for up to 180 days

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- ☑ Designation of forces for planning only
- Presidential decision for Congressional consultations
- □ Congressional Consultations (currently underway)
- Presidential decision for U.S. participation
- UN and NATO agreement on key mission requirements
- UN Security Council Resolution authorizing withdrawal
- □ North Atlantic Council decision to execute withdrawal
- Start of deployment phase

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While policy issues surrounding a withdrawal continue to be worked, circumstances may force UNPROFOR to leave B-H. Prudent to complete military plan for withdrawal soonest.

Recommendations:

Approve U.S. support of NATO's UNPROFOR withdrawal plan... subject to continuing Congressional consultations.

Approve U.S. forces required to execute NATO's UNPROFOR withdrawal plan.

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UN SECURITY COUNCIL STRATEGY FOR DEALING WITH UNPROFOR STRENGTHENING

Plans for strengthening UNPROFOR would require a new Security Council resolution:

 If UNPROFOR manpower requirements exceeded current authority. New authority would have to be provided in a resolution. (Note: Previous to the establishment of UNCRO and UNPREDEP as semi-autonomous operations, the manpower ceiling for UNPROFOR/Bosnia/Croatia/FYROM was a single figure. The Council has not changed this.)

O If new elements were added to UNPROFOR's mandate (it is not clear if removing elements would require a resolution).

A new resolution would be highly desirable under a number of other conditions:

- If UNPROFOR were given a more robust mission. While
 UNPROFOR is authorized to use force, it would be desirable
 for the Council to confirm a new emphasis, especially in
 light of the SYG's reservations about the use of force.
 (Note: it might be difficult to get Russian assent to this.)
- If elements of UNPROFOR's currently authorized mission were removed or revised downward, failure to specify the new parameters of the mandate would perpetuate criticism and confusion and weaken UNPROFOR.
- Even if UNPROFOR's mandate were unchanged, it might be advisable for the Council to confirm that point.
- If the Council did not give its political support to new emphases in UNPROFOR operations, the administration's efforts to persuade Congress to support additional funding for an increase in UNPROFOR troop levels would be seriously impaired (even if increases remained within authorized manpower levels, UNPROFOR's overall UNPROFOR budget, and U.S. obligations, would increase).
- Whatever the intentions of troops contributors to a rapid reaction force on status (blue-hatted or not?) and command/control, the operations of these forces must be closely coordinated with existing UNPROFOR command/control arrangements. The military and civilian command structure of UNPROFOR requires political guidance from the Council.

We will need to coordinate especially closely with the French and the British, making sure that, as they lead on this issue, they are consistent with our bottom-line. Since one or the other is likely to produce the first draft of a new resolution, our best tack is to convey to them soon ideas on key elements and assure that any first-draft gets thorough P-3 vetting before going further in the Council. The P-3 will need to coordinate closely with the Russians and the UN Secretariat, and should use the troop-contributors' context to keep all contributing nations closely involved. We should not try to present key troop contributors with a fait accompli.

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Notifying Congress of Our Intent to Assist UNPROFOR

Section 407 of the State Department Authorization Bill for FY 94-95 imposes a nonwaivable requirement that we notify Congress 15 days before providing assistance to the UN to support peacekeeping operations. Assistance less than \$3 million in nonreimbursable assistance or \$14 million in reimbursable assistance, or under certain emergency drawdown authorities, is excepted.

On June 1 State and DOD cleared a notification that is sufficiently broad and nonspecific to cover anticipated assistance to UNPROFOR and troop contributing nations, but Mr. Lake is holding it for discussion at the Principal's meeting. While Section 407 only requires relatively general notification, Congress will expect us to provide them soon with considerably more detail on what we intend to do and how we will pay for it. (Presidential authority for the notification has been delegated to the Assistant Secretary for International Organization Affairs.)

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interested countries and organizations. The ICRC is endeevouring to visit detained UNPROFOR personnel.

71. Since my briefing to the Council on 16 May 1995, the events of 25-26 May and their aftermath have, as already noted, made even clearer the untanability of UNPROPOR's current situation and the need to clarify whether its role is peacekeeping or enforcement. The Bosnian Serbs' violation of the Sarajevo exclusion some, their criminal shelling of civilian targets in Tuzla and elsewhere, after a carefully measured NATO air strike on a military target, and their inexcusable retaliation equinst United Nations personnel, including unarmed military observers performing limiton duties in Pale, have violently highlighted the conditions in which UNPROPOR has to operate and the dangers inherent in the inconsistencies of its present mandate.

72. After reflecting on these developments and after further domailtations with my Special Representative and the Theatre Force Commander, I have somewhat refined the options which I mentioned to the Council on 16 May and I now present the following four options for the Council's consideration:

Option A: to withdraw UNPROFOR, leaving at the most a small political mission, if that was the wish of the parties;

Option B: to retain UNPROFOR's existing tasks and the methods currently used to implement them;

Option C: to change the existing mandate to permit UMPROFOR to make greater use of force;

Option D: to revise the sandate so that it includes only those tasks which a peace-keeping operation can realistically be expected to

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perform in the circumstances currently prevailing in Bosnia and Earsegovina.

Recent events have demonstrated that any option which involves the continuing presence of UNPROFOR in Bosnia and Herregovina will need to be accompanied by measures, including the possible deployment of additional forces, to provide better security both for UNPROFOR personnel and for the personnel of UNHCR and other civilian agencies which work with it.

73. In considering these options the Council will also wish to take into account the repercussions that any change in UNPROPOR's mandate and/or method of operation could have on the work of UNHCR and other humanitarian agencies in Bosnia and Hersegovina. UNHCR's continued role as lead humanitarian agency in providing humanitarian assistance and protection to refugees, to the displaced and to other persons affected by the conflict, while at the same time preparing for the future repetriation of refugees, could require re-evaluation and possibly renegotiation with the parties, depending on the option chosen by the Council.

74. I do not advocate Option A. Recent events have caused some of the Governments contributing troops to UNPROPOR to speak of the possible withdraval of the Force but none of them has expressed itself in Savour of that option if tolerable "conditions can be created to permit the Force to continue its operations. I myself took the precaution of writing to the Secretary-General of MATO on 10 February 1995 to ask that MATO prepare plans which would enable it to assist in extricating UNPROPOR from Bosnia and Herzegovina if withdraval became unavoidable. A precedent for such multi-national assistance for the withdraval of a United Mations peacekeeping operation has been created in Somalia. NATO's planning is now, I understand, close to completion. But withdraval is an option of last Page determined to be Unclassified Reviewed Chief, RDD, WNS IAW E0 13526, Section 3.5 Date: MAY. 2 9 2019

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resort. It would be tantamount to abandonment of the people of Bosnia and Herzegovina and an admission of the United Mations' inability to help resolve a war in which, to the world's horror, one ethnic group has used force of arms to try to change the ethnic map of a Number State and all parties have, to a greater or lesser extent, been guilty of attacks equinst civilians and other atrocities. My purpose in this report, therefore, is to advise the Council on steps that it could take to ensure that UNPROFOR remains in Bosnia and Merzegovina with a better chance than at present of implementing the mandate entrusted to it by the Council.

75. Nor do I advocate Option B. This report's analyses of UNPROFOR'S current mandate (Section III) and possible future role (Section IV) indicate why I believe that the Force has become a mission impossible. An attempt to maintain the statum mo would further reduce its ability to provide effective help on would further reduce its ability to provide effective help on the humanitarian and political fronts and would bring more United Nations casualties and more damage to the Organisation's credibility. I am convinced that if the decisions taken by the Council in response to this report amounted, deliberately or by default, to maintenance of the status gup, the time would scon come when withdrawal of the Force would become inevitable.

76. Option C would require substantial reinforcement of the Force and a change in its mandate so that it could initiate "military action when the consent and cooperation of a party was withheld and ensure the protection of its own personnel and those of UNHCR and other civilian agencies if this led to retaliation and further escalation. This could be a viable option to ensure that the Bosnian Serbs and the other parties to the conflict respect the Security Council's decisions. Some of the Governments contributing troops to UNPROPOR have informed me of national plans to deploy additional forces to reduce the vulnerability of UNPROPOR personnel. I veloces these Page determined to be Unclassified Reviewed Chief, RDD, Wils IAW E0 13526, Soction 3.5 Date: MAY 2 9 2019

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initiatives. But the Governments concerned have also indicated that they are contemplating additional deployments to strengthen UNPROPOR's capacity to carry out its mission. If their intention is that UNPROFOR should use force for this purpose, I do not believe that this would be appropriate for a peace-Resping operation like UNPROFOR. It would, in my view, be necessary to replace UNPROFOR with a multinational force authorized by the Security Council but under the command of one or more of the countries contributing troops to it, as has been the case in Somalia and Maiti. It will be recalled that on 24 July 1994 I wrote to the President of the Council to express my concern about the viability of UNFROFOR's operations in Bosnia and Hersegovina if the Contact Group countries were to apply by force what were then referred to as "disincentives" to the Bosnian Serbs. I would have similar concerns if the Council decided that UNPROFOR should implement Option C.

77. The reasons for this view have been fully around in this report. UNPROFOR's current situation is due to the fact that the Bosnian Serbe' failure to cooperate with the Force has led to the gradual addition to its mandate of tasks which are incompatible with its peace-keeping and humanitarian roles. Option C would take UNPROFOR even further across the line dividing peace-keeping from enforcement action. The regulting threats to its security and to its ability to carry out its peace-keeping and humanitarian mandates might to some extent be mitigated by reinforcing it with additional troops and armament. But there would then be the risk that, as with UNOSON in Sonalia, the need to concentrate its personnel in larger groups in secure locations would seriously impair its ability to perform its substantive tasks. Nor do I believe that the United Nations currently has the capacity to manage an operation which could involve combat on a considerable scale if, as I fear to be likely, one or other of the parties were to respond to force with force. With unpaid contributions to the UNPROFOR special

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account currently amounting to \$898 million (nearly 80% of a year's expenditure on the Force), there must also be doubts about whether United Nations procedures could ensure the necessary financial support for an operation on the scale that would probably be required.

78. Under Option D the Council would revise UNPROPOR's mandate so that the Force would be required to perform only those tasks which a peace-keeping operation can reasonably be expected to perform in the circumstances currently prevailing in Bosnia and Hersegovina. These would include: good offices, liaison and negotiation; monitoring cease-fires, etc. as long as the perties remained willing to implement them; maintaining a presence in the safe areas, after negotiating appropriate regimes for them but without any actual or implied cognitment to use force to deter attacks against them; perties of Sarajevo airport with the consent of the parties; facilitating the normalization of ilfe in Sarajevo; escorting humanitarian convoys and supporting other humanitarian activities; border monitoring, if accepted by the parties; and the use of force, including air power, only in self-defence.

79. This option would probably require some redeployment and could eventually lead to a reduction in the Force's strength. But in the short term some reinforcement on the lines offered by some contributing Governments would be needed to ensure "UNPROPOR's security as it adjusted to the revised mendate. Option D would also reduce the risks to which UNPROPOR personnel are currently exposed in the safe areas, at weapons collection points and elsowhere when air power is used at the Force's request. It would, I believe, give UNPROPOR a realistic mendate which would enable it to help contain the situation in Bosnia and Hersegovine without creating expectations that it could either enforce an end to the war or join it to fight on the side of one of the parties. Page determined to be Unclassified Reviewed Chief, RDD, WHS LAW E0 13526, Section 3.5 Date: MAY 2 9 2019

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so. I would like to conclude this report with the following personal thoughts. The United Nations is currently experiencing in Bosnia and Merzegovina drawitic events that recall other crises which have afflicted its peace-keeping operations in past decades. The Organization's reaction to these events will again have a decisive effect on its standing for many years to come. These are, truly, defining moments. In dealing with them we must not lose sight of three interconnected objectives which represent the very essence of the United Nations: the quest for peace, the protection of human life and the rejection of a culture of death. These objectives will take time to attain and they will be attained only through the successful use of nonmilitary methods.

S1. In the present orisis, the safety of, and respect for, the personnal of peace-keeping forces and humanitarian agencies must be high priorities. All of us have been troubled by the followision pictures of United Nations personnel being humiliated and placed in danger in recent days. I pay tribute to their courage and steadfastness and I express my condolences to the families of those who have given their lives. I also grieve for the civilians who have been killed in Bosnia and Marsegovina. We must not put more lives in jeopardy for the sake of short term solutions. What is threatened is not only the lives of peace-keepers and humanitarian workers on the ground but also the future ability of the United Nations to conduct effective "peace operations.

52. Finally, the credibility of the United Nations is of the stmost importance and must be safeguarded at all times. Yew things damage it more than to give United Nations peace-keepers taaks which cannot be done in prevailing circumstances. And the damage is not only to peace-keeping. Loss of United Nations credibility there will affect the Organization's endeavours for development, for the environment, for human rights and for every

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other important objective. This is another reason why we must always insist on the inviolability of United Nations personnel in peace operations.

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