

**UNITED NATIONS SANCTIONS (ARMS EMBARGOES)
(AMENDMENT) REGULATION 2008**

**UNITED NATIONS SANCTIONS (FEDERAL REPUBLIC OF
YUGOSLAVIA) (PROHIBITION ON TERRORIST ACTIVITY)
REGULATION (REPEAL) REGULATION**

INTRODUCTION

A At the meeting of the Executive Council on 28 October 2008, the Council advised and the Chief Executive ordered that the United Nations Sanctions (Arms Embargoes) (Amendment) Regulation 2008 (“the Amendment Regulation”) (at Annex A), and the United Nations Sanctions (Federal Republic of Yugoslavia) (Prohibition on Terrorist Activity) Regulation (Repeal) Regulation (“the Repeal Regulation”) (at B Annex B) should be made under section 3 of the United Nations Sanctions Ordinance (Cap. 537) (“the Ordinance”). The Regulations were gazetted on 31 October 2008 and came into effect on the same day.

BACKGROUND

Obligation and Authority

2. Under section 3(1) of the Ordinance, the Chief Executive (“CE”) is required to make regulations to give effect to instructions from the MFA to implement sanctions decided by the United Nations Security Council (“UNSC”). In August and September 2008, the CE received instructions from the MFA to implement UNSC Resolutions 1823 and 1367 respectively.

Sanctions against Rwanda

C 3. In 1994, the UNSC imposed an arms embargo against Rwanda by adopting Resolution 918 (Annex C). In 1995, the UNSC adjusted the scope of the arms embargo against Rwanda by adopting D Resolution 1011 (at Annex D). To implement the arms embargo against

Rwanda, Rwanda was included as one of the places subject to the sanction regime under the United Nations Sanctions (Arms Embargoes) Regulation (Cap. 537 sub. leg. E).

E 4. On 10 July 2008, the UNSC adopted Resolution 1823 (at Annex E), terminating the arms embargo against Rwanda.

Sanctions against former Federal Republic of Yugoslavia

F 5. In 1998, the UNSC adopted Resolution 1160 (at Annex F), which prohibited (a) the sale or supply of arms and related materiel to the former Federal Republic of Yugoslavia (“FR Yugoslavia”) and (b) arming and training for terrorist activities in the former FR Yugoslavia. To implement the arms embargo against the former FR Yugoslavia, the former FR Yugoslavia was included as one of the places subject to the sanction regime under the United Nations Sanctions (Arms Embargoes) Regulation (Cap. 537 sub. leg. E). To implement the prohibition on terrorist activities in the former FR Yugoslavia, the United Nations Sanctions (Federal Republic of Yugoslavia) (Prohibition on Terrorist Activity) Regulation (Cap. 537 sub. leg. H) was also made.

G 6. In 2001, the UNSC adopted Resolution 1367 (at Annex G) terminating the sanctions imposed under Resolution 1160. We have taken the opportunity of the current amendment exercise to implement Resolution 1367.

THE AMENDMENT REGULATION

7. The Amendment Regulation at Annex A seeks to give effect to the instructions from the MFA by amending the definition of “prohibited destination” in section 1(1) of the United Nations Sanctions (Arms Embargoes) Regulation (“the principal Regulation”) to remove the references to Rwanda and FR Yugoslavia. The Amendment Regulation also seeks to remove the definition of “Federal Republic of Yugoslavia” from the principal Regulation. We also propose to make consequential amendments to the following provisions of the principal Regulation: sections 1(3), 2(1), 3(1), 7(2) and (5), 8(1), (3), (5) and (8) and 10(1) and section 2(5) of Schedule 2.

THE REPEAL REGULATION

8. Consequential to the termination of all sanctions against the former FR Yugoslavia, we propose that the Repeal Regulation be made. The Repeal Regulation seeks to repeal the United Nations Sanctions (Federal Republic of Yugoslavia) (Prohibition on Terrorist Activity) Regulation.

IMPLICATIONS OF THE REGULATIONS

9. The Regulations are in conformity with the Basic Law, including the provisions concerning human rights. They will not affect the binding effect of the Ordinance. They have no financial, civil service, economic, productivity, environmental or sustainability implications.

PUBLICITY

10. A press release was issued on 31 October 2008 when the Regulations were published in the Gazette.

ADVICE SOUGHT

11. Members are invited to note the implementation of UNSC Resolutions 1823 and 1367 by the Amendment Regulation and the Repeal Regulation respectively.

**Commerce and Economic Development Bureau
October 2008**

L.N. 236 of 2008

**UNITED NATIONS SANCTIONS (ARMS EMBARGOES)
(AMENDMENT) REGULATION 2008**

(Made by the Chief Executive under section 3 of the United Nations Sanctions Ordinance (Cap. 537) on the instruction of the Ministry of Foreign Affairs of the People's Republic of China and after consultation with the Executive Council)

1. Interpretation and application

(1) Section 1(1) of the United Nations Sanctions (Arms Embargoes) Regulation (Cap. 537 sub. leg. E) is amended by repealing the definition of "Federal Republic of Yugoslavia".

(2) Section 1(1) is amended, in the definition of "prohibited destination"—

(a) in paragraph (b), by adding "or" at the end;

(b) by repealing paragraphs (c) and (d).

(3) Section 1(3) is repealed.

2. Supplies and deliveries of certain goods to a prohibited destination

Section 2(1) is amended—

(a) in paragraph (ii), by adding "or" at the end;

(b) in paragraph (iii), by repealing the semicolon and substituting a full stop;

(c) by repealing paragraphs (iv) and (v).

3. Exportation of certain goods to a prohibited destination

Section 3(1) is amended—

(a) in paragraph (b), by adding "or" at the end;

(b) in paragraph (c), by repealing the semicolon and substituting a full stop;

(c) by repealing paragraphs (d) and (e).

4. Carriage of certain goods destined for a prohibited destination

Section 7(2) and (5) is repealed.

5. Investigation, etc. of suspected ships, aircraft and vehicles

(1) Section 8(1), (3) and (5) is amended by repealing “or (2)”.

(2) Section 8(8)(c) is amended by repealing “, Rwanda, the Federal Republic of Yugoslavia”.

6. Penalties and proceedings

Section 10(1) is amended by repealing “or (5)”.

7. Evidence and information

Schedule 2 is amended, in section 2(5)(c), by repealing “, Rwanda, the Federal Republic of Yugoslavia”.

Donald TSANG
Chief Executive

29 October 2008

Explanatory Note

This Regulation amends the United Nations Sanctions (Arms Embargoes) Regulation (Cap. 537 sub. leg. E) (“principal Regulation”) to give effect to a decision of the Security Council of the United Nations (“Security Council”) in Resolution 1823 (2008) adopted by the Security Council on 10 July 2008.

2. The definition of “prohibited destination” in section 1(1) of the principal Regulation is amended to remove the reference to Rwanda. The effect of the amendment is that Rwanda would not be regarded as a prohibited destination under the principal Regulation from the commencement of this Regulation and the prohibitions imposed under the principal Regulation would no longer apply to and in relation to Rwanda from the date of the commencement.

3. Amendments are also made to the following provisions of the principal Regulation consequential to the removal of the reference to Rwanda from the definition of “prohibited destination”—

- (a) section 1(3) (interpretation and application);
- (b) section 2(1) (supplies and deliveries of certain goods to a prohibited destination);
- (c) section 3(1) (exportation of certain goods to a prohibited destination);
- (d) section 7(2) and (5) (carriage of certain goods destined for a prohibited destination);
- (e) section 8(1), (3), (5) and (8) (investigation, etc. of suspected ships, aircraft and vehicles);
- (f) section 10(1) (penalties and proceedings); and
- (g) section 2(5) of Schedule 2 (evidence and information).

4. This Regulation also amends the principal Regulation in view of the decision of the Security Council in Resolution 1367 (2001) (adopted by the Security Council on 10 September 2001) to terminate the prohibition against sale or supply of arms and related material to the former Federal Republic of Yugoslavia.

L.N. 237 of 2008**UNITED NATIONS SANCTIONS (FEDERAL REPUBLIC
OF YUGOSLAVIA) (PROHIBITION ON TERRORIST
ACTIVITY) REGULATION (REPEAL)
REGULATION**

(Made by the Chief Executive under section 3 of the United Nations Sanctions Ordinance (Cap. 537) on the instruction of the Ministry of Foreign Affairs of the People's Republic of China and after consultation with the Executive Council)

1. Repeal

The United Nations Sanctions (Federal Republic of Yugoslavia) (Prohibition on Terrorist Activity) Regulation (Cap. 537 sub. leg. H) is repealed.

Donald TSANG
Chief Executive

29 October 2008

Explanatory Note

This Regulation repeals the United Nations Sanctions (Federal Republic of Yugoslavia) (Prohibition on Terrorist Activity) Regulation (Cap. 537 sub. leg. H) in view of the decision of the Security Council of the United Nations ("Security Council") in Resolution 1367 (2001) (adopted by the Security Council on 10 September 2001) to terminate the prohibition against arming and training for terrorist activity in the former Federal Republic of Yugoslavia.



Security Council

Distr.
GENERALS/RES/918 (1994)
17 May 1994

RESOLUTION 918 (1994)

Adopted by the Security Council at its 3377th meeting,
on 17 May 1994

The Security Council,

Reaffirming all its previous resolutions on the situation in Rwanda, in particular its resolution 872 (1993) of 5 October 1993 by which it established the United Nations Assistance Mission for Rwanda (UNAMIR), its resolution 909 (1994) of 5 April 1994 which extended the mandate of UNAMIR until 29 July 1994, and its resolution 912 (1994) of 21 April 1994 by which it adjusted the mandate of UNAMIR,

Recalling the statements made by the President of the Council on 7 April 1994 (S/PRST/1994/16) and 30 April 1994 (S/PRST/1994/21),

Having considered the report of the Secretary-General dated 13 May 1994 (S/1994/565),

Reaffirming its resolution 868 (1993) of 29 September 1993 on the security of United Nations operations,

Strongly condemning the ongoing violence in Rwanda and particularly condemning the very numerous killings of civilians which have taken place in Rwanda and the impunity with which armed individuals have been able to operate and continue operating therein,

Stressing the importance of the Arusha Peace Agreement to the peaceful resolution of the conflict in Rwanda and the necessity for all parties to recommit themselves to its full implementation,

Commending the efforts of the Organization of African Unity (OAU) and its organs, as well as the efforts of the Tanzanian Facilitator, in providing diplomatic, political, and humanitarian support for the implementation of the relevant resolutions of the Council,

Deeply concerned that the situation in Rwanda, which has resulted in the death of many thousands of innocent civilians, including women and children, the

internal displacement of a significant percentage of the Rwandan population, and the massive exodus of refugees to neighbouring countries, constitutes a humanitarian crisis of enormous proportions,

Expressing once again its alarm at continuing reports of systematic, widespread and flagrant violations of international humanitarian law in Rwanda, as well as other violations of the rights to life and property,

Recalling in this context that the killing of members of an ethnic group with the intention of destroying such a group, in whole or in part, constitutes a crime punishable under international law,

Strongly urging all parties to cease forthwith any incitement, especially through the mass media, to violence or ethnic hatred,

Recalling also its request to the Secretary-General to collect information on the responsibility for the tragic incident that resulted in the death of the Presidents of Rwanda and Burundi,

Recalling further that it had requested the Secretary-General to make proposals for the investigation of reports of serious violations of international humanitarian law during the conflict,

Underlining the urgent need for coordinated international action to alleviate the suffering of the Rwandan people and to help restore peace in Rwanda, and in this connection welcoming cooperation between the United Nations and the OAU as well as with countries of the region, especially the facilitator of the Arusha peace process,

Desiring in this context to expand the mandate of UNAMIR for humanitarian purposes, and stressing the importance it attaches to the support and cooperation of the parties for the successful implementation of all aspects of that mandate,

Reaffirming its commitment to the unity and territorial integrity of Rwanda,

Recognizing that the people of Rwanda bear ultimate responsibility for national reconciliation and reconstruction of their country,

Deeply disturbed by the magnitude of the human suffering caused by the conflict and concerned that the continuation of the situation in Rwanda constitutes a threat to peace and security in the region,

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1. Demands that all parties to the conflict immediately cease hostilities, agree to a cease-fire, and bring an end to the mindless violence and carnage engulfing Rwanda;

2. Welcomes the report of the Secretary-General dated 13 May 1994 (S/1994/565);

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3. Decides to expand UNAMIR's mandate under resolution 912 (1994) to include the following additional responsibilities within the limits of the resources available to it:

(a) To contribute to the security and protection of displaced persons, refugees and civilians at risk in Rwanda, including through the establishment and maintenance, where feasible, of secure humanitarian areas;

(b) To provide security and support for the distribution of relief supplies and humanitarian relief operations;

4. Recognizes that UNAMIR may be required to take action in self-defence against persons or groups who threaten protected sites and populations, United Nations and other humanitarian personnel or the means of delivery and distribution of humanitarian relief;

5. Authorizes in this context an expansion of the UNAMIR force level up to 5,500 troops;

6. Requests the Secretary-General, as recommended in his report, and as a first phase, immediately to redeploy to Rwanda the UNAMIR military observers currently in Nairobi and to bring up to full strength the elements of the mechanized infantry battalion currently in Rwanda;

7. Further requests the Secretary-General to report as soon as possible on the next phase of UNAMIR's deployment including, inter alia, on the cooperation of the parties, progress towards a cease-fire, availability of resources and the proposed duration of the mandate for further review and action, as required, by the Council;

8. Encourages the Secretary-General to accelerate his efforts, in conjunction with the Secretary-General of the OAU, to obtain from Member States the necessary personnel to enable deployment of the expanded UNAMIR to proceed urgently;

9. Invites Member States to respond promptly to the Secretary-General's request for the resources required, including logistical support capability for rapid deployment of the UNAMIR expanded force level and its support in the field;

10. Strongly urges all parties in Rwanda to cooperate fully with UNAMIR in the implementation of its mandate and in particular in ensuring its freedom of movement and the unimpeded delivery of humanitarian assistance, and further calls upon them to treat Kigali airport as a neutral zone under the control of UNAMIR;

11. Demands that all parties in Rwanda strictly respect the persons and premises of the United Nations and other organizations serving in Rwanda, and refrain from any acts of intimidation or violence against personnel engaged in humanitarian and peace-keeping work;

12. Commends the efforts of States, United Nations agencies and non-governmental organizations which have provided humanitarian and other

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assistance, encourages them to continue and increase such assistance, and urges others to provide such assistance;

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Determining that the situation in Rwanda constitutes a threat to peace and security in the region,

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

13. Decides that all States shall prevent the sale or supply to Rwanda by their nationals or from their territories or using their flag vessels or aircraft of arms and related matériel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary police equipment and spare parts;

14. Decides also to establish, in accordance with rule 28 of the provisional rules of procedure of the Security Council, a Committee of the Security Council consisting of all the members of the Council, to undertake the following tasks and to report on its work to the Council with its observations and recommendations:

(a) To seek from all States information regarding the action taken by them concerning the effective implementation of the embargo imposed by paragraph 13 above;

(b) To consider any information brought to its attention by States concerning violations of the embargo, and in that context to make recommendations to the Council on ways of increasing the effectiveness of the embargo;

(c) To recommend appropriate measures in response to violations of the embargo imposed by paragraph 13 above and provide information on a regular basis to the Secretary-General for general distribution to Member States;

15. Calls upon all States, including States not Members of the United Nations, and international organizations to act strictly in accordance with the provisions of the present resolution, notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or any contract entered into or any licence or permit granted prior to the date of the adoption of this resolution;

16. Decides that the provisions set forth in paragraphs 13 and 15 above do not apply to activities related to UNAMIR and UNOMUR;

17. Requests the Secretary-General to provide all necessary assistance to the Committee and to make the necessary arrangements in the Secretariat for this purpose;

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18. Requests the Secretary-General to present a report as soon as possible on the investigation of serious violations of international humanitarian law committed in Rwanda during the conflict;

19. Invites the Secretary-General and his Special Representative, in coordination with the OAU and countries in the region, to continue their efforts to achieve a political settlement in Rwanda within the framework of the Arusha Peace Agreement;

20. Decides to keep the situation in Rwanda under constant review and requests the Secretary-General to report further, including on the humanitarian situation, within five weeks of the adoption of this resolution and again in good time before the expiration of the current mandate of UNAMIR;

21. Decides to remain actively seized of the matter.

**Security Council**Distr.
GENERALS/RES/1011 (1995)
16 August 1995

RESOLUTION 1011 (1995)

Adopted by the Security Council at its 3566th meeting,
on 16 August 1995

The Security Council,

Recalling all its previous resolutions on the situation in Rwanda, in particular its resolutions 918 (1994) of 17 May 1994, 997 (1995) of 9 June 1995 and 1005 (1995) of 17 July 1995,

Having considered the report of the Secretary-General on monitoring of the restrictions on the sale or supply of arms dated 9 July 1995 (S/1995/552),

Having also considered the progress report of the Secretary-General on the United Nations Assistance Mission for Rwanda (UNAMIR) dated 8 August 1995 (S/1995/678),

Emphasizing that the uncontrolled circulation of arms, including to civilians and refugees, is a major cause of destabilization in the Great Lakes subregion,

Welcoming the proposal of the Government of Zaire to establish an international commission under United Nations auspices to investigate reports of arms supplies to former Rwandan government forces,

Recognizing that the registration and marking of weapons are of considerable assistance in monitoring and enforcing restrictions on the illicit deliveries of weapons,

Noting with great concern reports of military preparations and increasing incursions into Rwanda by elements of the former regime and underlining the need for effective measures to ensure that Rwandan nationals currently in neighbouring countries, including those in camps, do not undertake military activities aimed at destabilizing Rwanda or receive arms supplies, in view of the great likelihood that such arms are intended for use within Rwanda,

Stressing the need for representatives of all sectors of Rwandan society, excluding those political leaders suspected of planning and directing the genocide last year, to begin talks in order to reach an agreement on a constitutional and political structure to achieve lasting stability,

Taking note of the letter dated 5 July 1995 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council (S/1995/547), requesting urgent action to lift the restrictions on the sale or supply of arms and matériel to the Government of Rwanda to ensure the security of the Rwandan population,

Welcoming the improvement in the working relations between the Government of Rwanda and UNAMIR and recalling the mandate of UNAMIR, as adjusted in resolution 997 (1995), in particular to help achieve national reconciliation,

Recalling that the prohibition on the delivery of arms and matériel to Rwanda was originally aimed at stopping the use of such arms and equipment in the massacres of innocent civilians,

Taking note of the Council's decision in resolution 997 (1995) to reduce the force level of UNAMIR, and reaffirming that the security of that country is the primary responsibility of the Government of Rwanda,

Deeply concerned by the situation in Rwanda's prisons and judicial system, particularly overcrowding, the lack of judges, detention of minors and elderly prisoners, and absence of speedy judicial or administrative review of charges, and in this respect, welcoming renewed efforts by the United Nations and donor countries, in coordination with the Government of Rwanda, to initiate, on an urgent basis, measures to improve this situation,

Underlining the need for increased efforts by the Government of Rwanda in the promotion of a climate of stability and trust in order to facilitate the return of Rwandan refugees in neighbouring countries,

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1. Commends the efforts of the Secretary-General and his Special Envoy in pursuing regional responses to the problem of illicit arms supplies in the region and encourages the Secretary-General to continue his consultations in this regard;

2. Requests the Secretary-General, as proposed in paragraph 45 of his report (S/1995/678), to make recommendations to the Security Council, as soon as possible, on the establishment of a Commission mandated to conduct a full investigation to address allegations of arms flows to former Rwandan government forces in the Great Lakes region of Central Africa;

3. Calls upon the Governments of Rwanda and neighbouring States to cooperate with the Commission's investigation;

4. Encourages the Secretary-General to continue his consultations with the Governments of neighbouring States concerning the deployment of United Nations military observers in the airfields and other transportation points in

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and around border crossing points and calls on the neighbouring States to cooperate with and assist these observers to ensure that arms and related matériel are not transferred to Rwandan camps within their territories;

5. Requests the Secretary-General to report to the Council within one month of the adoption of this resolution on his efforts for the preparation and convening, at the earliest possible time, of the regional Conference on Security, Stability and Development, as well as for the convening of a regional meeting to address the problems facing the repatriation of refugees;

6. Calls upon the Government of Rwanda to continue its efforts to create an atmosphere of trust and confidence for the safe return of refugees and take further steps to resolve the humanitarian problems in its prisons, and to expedite disposition of the charges against those detained;

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

7. Decides that, with immediate effect and until 1 September 1996, the restrictions imposed by paragraph 13 of resolution 918 (1994) shall not apply with regard to the sale or supply of arms and related matériel to the Government of Rwanda through named points of entry on a list to be supplied by that Government to the Secretary-General, who shall promptly notify all Member States of the United Nations of the list;

8. Decides also that on 1 September 1996 the restrictions imposed by paragraph 13 of resolution 918 (1994) on the sale or supply of arms and related matériel to the Government of Rwanda shall terminate, unless the Council decides otherwise after its consideration of the second report of the Secretary-General referred to in paragraph 12 below;

9. Further decides, with a view to prohibiting the sale and supply of arms and related matériel to non-governmental forces for use in Rwanda, that all States shall continue to prevent the sale or supply, by their nationals or from their territories or using their flag vessels or aircraft, of arms and related matériel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary police equipment and spare parts, to Rwanda, or to persons in the States neighbouring Rwanda if such sale or supply is for the purpose of the use of such arms or matériel within Rwanda, other than to the Government of Rwanda as specified in paragraphs 7 and 8 above;

10. Decides also that no arms or related matériel sold or supplied to the Government of Rwanda may be resold to, transferred to, or made available for use by, any State neighbouring Rwanda, or person not in the service of the Government of Rwanda, either directly or indirectly;

11. Further decides that States shall notify all exports from their territories of arms or related matériel to Rwanda to the Committee established by resolution 918 (1994), that the Government of Rwanda shall mark and register and notify to the Committee all imports made by it of arms and related matériel, and that the Committee shall report regularly to the Council on notifications so received;

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12. Requests the Secretary-General to report to the Council within 6 months of the date of adoption of this resolution, and again within 12 months, regarding, in particular, the export of arms and related matériel referred to in paragraph 7 above, on the basis of the reports submitted by the Committee established by resolution 918 (1994);

13. Decides to remain actively seized of the matter.



Security Council

Distr.: General
10 July 2008

Resolution 1823 (2008)

**Adopted by the Security Council at its 5931st meeting, on
10 July 2008**

The Security Council,

Recalling its resolution 918 (1994), resolution 1005 (1995), resolution 1011 (1995), resolution 1013 (1995), resolution 1053 (1996), resolution 1161 (1998), and resolution 1749 (2007),

Having considered the report of the Security Council Committee established pursuant to resolution 918 (1994) concerning Rwanda of 31 December 2007 (S/2007/782) and the oral report of the Chairman of the Security Council Committee established pursuant to resolution 918 (1994) concerning Rwanda of 22 May 2008,

Stressing the importance of the cooperation of all States, in particular those in the region, with the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo and with the Group of Experts established by resolution 1533 (2004), while carrying out its mandate as renewed by resolution 1807 (2008),

Stressing further the need for States in the region to ensure that arms and related materiel delivered to them are not diverted to or used by illegal armed groups,

Recalling the joint communiqué of the Government of the Democratic Republic of the Congo and the Government of the Republic of Rwanda signed in Nairobi on 9 November 2007 and the outcome of the Conference for Peace, Security and Development in North and South Kivu, held in Goma from 6 to 23 January 2008, which together represent a major step towards the restoration of lasting peace and stability in the Great Lakes region, and looking forward to their full implementation,

Welcoming the entry into force of the Pact on Security, Stability and Development in the Great Lakes Region and stressing the importance of its full implementation,

Reiterating its call upon the States of the region to deepen further their cooperation with a view to consolidating peace in the region,

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



1. *Decides* to terminate the prohibitions imposed by paragraphs 9 and 10 of resolution 1011 (1995);
 2. *Decides further* to dissolve the Committee established pursuant to resolution 918 (1994) concerning Rwanda.
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**Security Council**Distr.
GENERALS/RES/1160 (1998)
31 March 1998

RESOLUTION 1160 (1998)

Adopted by the Security Council at its 3868th meeting,
on 31 March 1998

The Security Council,

Noting with appreciation the statements of the Foreign Ministers of France, Germany, Italy, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America (the Contact Group) of 9 and 25 March 1998 (S/1998/223 and S/1998/272), including the proposal on a comprehensive arms embargo on the Federal Republic of Yugoslavia, including Kosovo,

Welcoming the decision of the Special Session of the Permanent Council of the Organization for Security and Cooperation in Europe (OSCE) of 11 March 1998 (S/1998/246),

Condemning the use of excessive force by Serbian police forces against civilians and peaceful demonstrators in Kosovo, as well as all acts of terrorism by the Kosovo Liberation Army or any other group or individual and all external support for terrorist activity in Kosovo, including finance, arms and training,

Noting the declaration of 18 March 1998 by the President of the Republic of Serbia on the political process in Kosovo and Metohija (S/1998/250),

Noting also the clear commitment of senior representatives of the Kosovar Albanian community to non-violence,

Noting that there has been some progress in implementing the actions indicated in the Contact Group statement of 9 March 1998, but stressing that further progress is required,

Affirming the commitment of all Member States to the sovereignty and territorial integrity of the Federal Republic of Yugoslavia,

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

1. Calls upon the Federal Republic of Yugoslavia immediately to take the further necessary steps to achieve a political solution to the issue of Kosovo through dialogue and to implement the actions indicated in the Contact Group statements of 9 and 25 March 1998;

2. Calls also upon the Kosovar Albanian leadership to condemn all terrorist action, and emphasizes that all elements in the Kosovar Albanian community should pursue their goals by peaceful means only;

3. Underlines that the way to defeat violence and terrorism in Kosovo is for the authorities in Belgrade to offer the Kosovar Albanian community a genuine political process;

4. Calls upon the authorities in Belgrade and the leadership of the Kosovar Albanian community urgently to enter without preconditions into a meaningful dialogue on political status issues, and notes the readiness of the Contact Group to facilitate such a dialogue;

5. Agrees, without prejudging the outcome of that dialogue, with the proposal in the Contact Group statements of 9 and 25 March 1998 that the principles for a solution of the Kosovo problem should be based on the territorial integrity of the Federal Republic of Yugoslavia and should be in accordance with OSCE standards, including those set out in the Helsinki Final Act of the Conference on Security and Cooperation in Europe of 1975, and the Charter of the United Nations, and that such a solution must also take into account the rights of the Kosovar Albanians and all who live in Kosovo, and expresses its support for an enhanced status for Kosovo which would include a substantially greater degree of autonomy and meaningful self-administration;

6. Welcomes the signature on 23 March 1998 of an agreement on measures to implement the 1996 Education Agreement, calls upon all parties to ensure that its implementation proceeds smoothly and without delay according to the agreed timetable and expresses its readiness to consider measures if either party blocks implementation;

7. Expresses its support for the efforts of the OSCE for a peaceful resolution of the crisis in Kosovo, including through the Personal Representative of the Chairman-in-Office for the Federal Republic of Yugoslavia, who is also the Special Representative of the European Union, and the return of the OSCE long-term missions;

8. Decides that all States shall, for the purposes of fostering peace and stability in Kosovo, prevent the sale or supply to the Federal Republic of Yugoslavia, including Kosovo, by their nationals or from their territories or using their flag vessels and aircraft, of arms and related matériel of all types, such as weapons and ammunition, military vehicles and equipment and spare parts for the aforementioned, and shall prevent arming and training for terrorist activities there;

9. Decides to establish, in accordance with rule 28 of its provisional rules of procedure, a committee of the Security Council, consisting of all the

members of the Council, to undertake the following tasks and to report on its work to the Council with its observations and recommendations:

(a) to seek from all States information regarding the action taken by them concerning the effective implementation of the prohibitions imposed by this resolution;

(b) to consider any information brought to its attention by any State concerning violations of the prohibitions imposed by this resolution and to recommend appropriate measures in response thereto;

(c) to make periodic reports to the Security Council on information submitted to it regarding alleged violations of the prohibitions imposed by this resolution;

(d) to promulgate such guidelines as may be necessary to facilitate the implementation of the prohibitions imposed by this resolution;

(e) to examine the reports submitted pursuant to paragraph 12 below;

10. Calls upon all States and all international and regional organizations to act strictly in conformity with this resolution, notwithstanding the existence of any rights granted or obligations conferred or imposed by any international agreement or of any contract entered into or any license or permit granted prior to the entry into force of the prohibitions imposed by this resolution, and stresses in this context the importance of continuing implementation of the Agreement on Subregional Arms Control signed in Florence on 14 June 1996;

11. Requests the Secretary-General to provide all necessary assistance to the committee established by paragraph 9 above and to make the necessary arrangements in the Secretariat for this purpose;

12. Requests States to report to the committee established by paragraph 9 above within 30 days of adoption of this resolution on the steps they have taken to give effect to the prohibitions imposed by this resolution;

13. Invites the OSCE to keep the Secretary-General informed on the situation in Kosovo and on measures taken by that organization in this regard;

14. Requests the Secretary-General to keep the Council regularly informed and to report on the situation in Kosovo and the implementation of this resolution no later than 30 days following the adoption of this resolution and every 30 days thereafter;

15. Further requests that the Secretary-General, in consultation with appropriate regional organizations, include in his first report recommendations for the establishment of a comprehensive regime to monitor the implementation of the prohibitions imposed by this resolution, and calls upon all States, in particular neighbouring States, to extend full cooperation in this regard;

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16. Decides to review the situation on the basis of the reports of the Secretary-General, which will take into account the assessments of, inter alia, the Contact Group, the OSCE and the European Union, and decides also to reconsider the prohibitions imposed by this resolution, including action to terminate them, following receipt of the assessment of the Secretary-General that the Government of the Federal Republic of Yugoslavia, cooperating in a constructive manner with the Contact Group, have:

(a) begun a substantive dialogue in accordance with paragraph 4 above, including the participation of an outside representative or representatives, unless any failure to do so is not because of the position of the Federal Republic of Yugoslavia or Serbian authorities;

(b) withdrawn the special police units and ceased action by the security forces affecting the civilian population;

(c) allowed access to Kosovo by humanitarian organizations as well as representatives of Contact Group and other embassies;

(d) accepted a mission by the Personal Representative of the OSCE Chairman-in-Office for the Federal Republic of Yugoslavia that would include a new and specific mandate for addressing the problems in Kosovo, as well as the return of the OSCE long-term missions;

(e) facilitated a mission to Kosovo by the United Nations High Commissioner for Human Rights;

17. Urges the Office of the Prosecutor of the International Tribunal established pursuant to resolution 827 (1993) of 25 May 1993 to begin gathering information related to the violence in Kosovo that may fall within its jurisdiction, and notes that the authorities of the Federal Republic of Yugoslavia have an obligation to cooperate with the Tribunal and that the Contact Group countries will make available to the Tribunal substantiated relevant information in their possession;

18. Affirms that concrete progress to resolve the serious political and human rights issues in Kosovo will improve the international position of the Federal Republic of Yugoslavia and prospects for normalization of its international relationships and full participation in international institutions;

19. Emphasizes that failure to make constructive progress towards the peaceful resolution of the situation in Kosovo will lead to the consideration of additional measures;

20. Decides to remain seized of the matter.

**Security Council**

Distr.: General
10 September 2001

Resolution 1367 (2001)**Adopted by the Security Council at its 4366th meeting, on
10 September 2001**

The Security Council,

Recalling its resolutions 1160 (1998) of 31 March 1998, 1199 (1998) of 23 September 1998, 1203 (1998) of 24 October 1998, and reaffirming, in particular, its resolutions 1244 (1999) of 10 June 1999 and 1345 (2001) of 21 March 2001,

Noting with satisfaction that the conditions listed in paragraph 16 (a) to (e) of its resolution 1160 (1998) have been satisfied,

Noting, in that respect, the letter of the Secretary-General dated 6 September 2001 (S/2001/849),

Noting further the difficult security situation along Kosovo's administrative boundary and parts of the border of the Federal Republic of Yugoslavia and emphasizing the continuing authority of the Secretary-General's Special Representative as head of the international civil presence and of the Commander of the international security presence (KFOR) to restrict and strictly control the flow of arms into, within and out of Kosovo, pursuant to resolution 1244 (1999),

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

1. *Decides* to terminate the prohibitions established by paragraph 8 of resolution 1160 (1998);
2. *Decides further* to dissolve the Committee established by paragraph 9 of resolution 1160 (1998).

