

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

1. *Decides* to extend the mandate of the United Nations Operation in Somalia II for an interim period terminating on 18 November 1993;

2. *Requests* the Secretary-General, in his report to the Council concerning the further extension of the Operation's mandate, which should be submitted in good time before 18 November 1993, to report also on recent developments in Somalia in order to enable the Council to take appropriate decisions;

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

*Adopted unanimously at the 3299th meeting.*

#### **Decisions**

At its 3315th meeting, on 16 November 1993, the Council decided to invite the representative of Somalia to participate, without vote, in the discussion of the item entitled:

"The situation in Somalia:

"Report of the Secretary-General on the implementation of Security Council resolution 837 (1993) (S/26022);<sup>28</sup>

"Report pursuant to paragraph 5 of Security Council resolution 837 (1993) on the investigation into the 5 June 1993 attack on United Nations forces in Somalia conducted on behalf of the Secretary-General (S/26351)".<sup>29</sup>

#### **Resolution 885 (1993)** of 16 November 1993

*The Security Council,*

*Reaffirming* its resolutions 733 (1992) of 23 January 1992, 746 (1992) of 17 March 1992, 751 (1992) of 24 April 1992, 767 (1992) of 27 July 1992, 775 (1992) of 28 August 1992, 794 (1992) of 3 December 1992, 814 (1993) of 26 March 1993, 837 (1993) of 6 June 1993, 865 (1993) of 22 September 1993, and 878 (1993) of 29 October 1993,

*Also reaffirming* its resolution 868 (1993) of 29 September 1993 on the need to ensure the safety and protection of United Nations personnel,

*Recognizing* the critical need for broad-based consultations among all parties and consensus on basic principles to achieve national reconciliation and the establishment of democratic institutions in Somalia,

*Stressing* that the people of Somalia bear the ultimate responsibility for achieving these objectives, and in this context noting in particular resolution 837 (1993), in which it condemned the 5 June 1993 attack on personnel of the United Nations Operation in Somalia II and called for an investigation,

*Noting* proposals made by Member States, and noting in particular proposals from the Organization of African Unity, including those in document S/26627 of 25 October 1993, in which the establishment of an impartial commission of inquiry is recommended to investigate armed attacks on the Operation,

*Having received and considered* the reports of the Secretary-General of 1 July and 24 August 1993<sup>28</sup> on the implementation of resolution 837 (1993),

1. *Authorizes* the establishment of a Commission of Inquiry, in further implementation of resolutions 814 (1993) and 837 (1993), to investigate armed attacks on personnel of the United Nations Operation in Somalia II which led to casualties among them;

2. *Requests* the Secretary-General, having conveyed his views to the Security Council, to appoint the Commission at the earliest possible time and to report to the Council on its establishment;

3. *Directs* the Commission to determine procedures for carrying out its investigation, taking into account standard United Nations procedures;

4. *Notes* that members of the Commission will have the status of experts on mission within the meaning of the Convention on the Privileges and Immunities of the United Nations,<sup>29</sup> which shall apply to the Commission;

5. *Urges* the Secretary-General to provide the Commission with all assistance necessary to facilitate its work;

6. *Calls* on all parties in Somalia fully to cooperate with the Commission;

7. *Requests* the Commission to report its findings through the Secretary-General to the Security Council as soon as possible, taking into consideration the need for a thorough inquiry;

8. *Requests* that the Secretary-General, under his authority in resolutions 814 (1993) and 837 (1993), pending completion of the report of the Commission, suspend arrest actions against those individuals who might be implicated but are not currently detained pursuant to resolution 837 (1993), and make appropriate provision to deal with the situation of those already detained under the provisions of resolution 837 (1993);

9. *Decides* to remain seized of this matter.

*Adopted unanimously at the 3315th meeting.*

#### **Decisions**

At its 3317th meeting, on 18 November 1993, the Council decided to invite the representatives of Ethiopia and Somalia to participate, without vote, in the discussion of the item entitled "The situation in Somalia: further report of the Secretary-General submitted in pursuance of paragraph 19 of resolution 814 (1993) and paragraph 5 of resolution 865 (1993) (S/26738)".<sup>26</sup>

#### **Resolution 886 (1993)** of 18 November 1993

*The Security Council,*

*Reaffirming* its resolutions 733 (1992) of 23 January 1992 and all subsequent relevant resolutions,

<sup>28</sup> Ibid., *Supplement for July, August and September 1993*, documents S/26022 and S/26351, respectively.

<sup>29</sup> General Assembly resolution 22 A (I) of 13 February 1946.

*Having considered* the report of the Secretary-General of 12 November 1993,<sup>30</sup>

*Noting* the significant improvement in the situation in most areas of Somalia achieved by the United Nations Operation in Somalia II as described in that report,

*Noting also* paragraph 72 of the report of the Secretary-General,

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

*Stressing* the commitment of the international community to continue helping Somalia in its efforts to accelerate the process of national reconstruction and to promote stability, rehabilitation and political reconciliation and to regain a normal, peaceful life,

*Recalling* that the highest priority of the Operation continues to be to support the efforts of the Somali people in promoting the process of national reconciliation and the establishment of democratic institutions,

*Affirming* that the General Agreement signed in Addis Ababa on 8 January 1993<sup>31</sup> and the Addis Ababa Agreement of the First Session of the Conference on National Reconciliation in Somalia, signed on 27 March 1993,<sup>32</sup> establish a sound basis for resolution of the problems in Somalia,

*Emphasizing* in this context the crucial importance of disarmament in achieving lasting peace and stability throughout Somalia,

*Condemning* the continuing acts of violence and armed attacks against persons engaged in humanitarian and peace-keeping efforts, and paying tribute to those troops and humanitarian personnel of several countries who have been killed or injured while serving in Somalia,

*Determining* that the situation in Somalia continues to threaten peace and security in the region,

1. *Welcomes* the report of the Secretary-General;

2. *Commends* the Secretary-General, his Special Representative and the personnel of the United Nations Operation in Somalia II for their achievements in improving the conditions of the Somali people and in promoting the process of national reconciliation and reconstruction of the country;

3. *Decides*, acting under Chapter VII of the Charter of the United Nations, to renew the mandate of the Operation for an additional period expiring on 31 May 1994;

4. *Requests* the Secretary-General to report to the Security Council by 15 January 1994, or at any time before that if the situation warrants, on the progress made in achieving national reconciliation by the Somali people and that made in the attainment of political, security and humanitarian goals, and also requests the Secretary-General, as part of that report, to provide an updated plan setting out the Operation's future concerted strategy with regard to its humanitarian, political and security activities;

<sup>30</sup> *Official Records of the Security Council, Forty-eighth Year, Supplement for October, November and December 1993*, document S/26738.

<sup>31</sup> *Ibid.*, *Supplement for January, February and March 1993*, document S/25168, annex II.

5. *Also decides* to undertake a fundamental review of the mandate of the Operation by 1 February 1994 in the light of the report of the Secretary-General and his updated plan;

6. *Urges* all parties in Somalia, including movements and factions, to accelerate their efforts to achieve political reconciliation, peace and security and immediately to abide by the cease-fire and disarmament agreements reached in Addis Ababa, particularly the immediate cantonment of all heavy weapons;

7. *Underscores* the importance of the Somali people attaining specific goals in the context of political reconciliation, in particular the early establishment and effective functioning of all district and regional councils and an interim national authority;

8. *Stresses* in this regard the importance it attaches to the accelerated implementation by the Somali people, with the assistance of the United Nations and donor countries, of the recommendations contained in annex I of the report of the Secretary-General of 17 August 1993<sup>21</sup> and endorsed by the Security Council in its resolution 865 (1993) of 22 September 1993, and in particular the establishment of an operational police, penal and judiciary system at the regional and district level as soon as feasible;

9. *Reminds* all parties in Somalia, including movements and factions, that continued United Nations involvement in Somalia depends on their active cooperation and tangible progress towards a political settlement;

10. *Welcomes and supports* the ongoing diplomatic efforts being made by Member States and international organizations, in particular those in the region, to assist United Nations efforts to bring all parties in Somalia, including movements and factions, to the negotiating table;

11. *Reaffirms* the obligations of States to implement fully the embargo on all deliveries of weapons and military equipment to Somalia imposed by paragraph 5 of resolution 733 (1992);

12. *Expresses concern* at the destabilizing effects of cross-border arms flows in the region, affirms the importance it attaches to the security of the countries neighbouring Somalia, and calls for the cessation of such arms flows;

13. *Welcomes* the Fourth Coordination Meeting for Humanitarian Assistance for Somalia, to be held at Addis Ababa from 29 November to 1 December 1993;

14. *Emphasizes* the relationship between national rehabilitation and progress in the process of national reconciliation in Somalia, and encourages donor countries to make contributions to Somalia's rehabilitation as demonstrable political progress occurs, and in particular to contribute urgently to rehabilitation projects in those regions where progress on political reconciliation and security has been made;

15. *Expresses its appreciation* to those Member States which have contributed to or provided logistical or other assistance to the Operation or offered to do so, and encourages those who are in a position to do so to contribute, on an urgent basis, troops, equipment, and financial and logistical support to enhance the Operation's capability to carry out its mandate and to ensure the safety of the personnel;

16. *Requests* the Secretary-General to ask the Somalia Trust Fund Committee to review claims and make payments on an urgent basis and urges Member States to make funds available directly or through the Somalia Trust Fund for priority projects, including the re-establishment of the Somali police and demining, on an urgent basis;

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

*Adopted unanimously at the 3317th meeting.*

### Decision

In a letter dated 23 November 1993,<sup>32</sup> addressed to the President of the Security Council for the attention of the members of the Council, the Secretary-General referred to Council resolution 885 (1993) of 16 November 1993, in which it authorized "the establishment of a Commission of Inquiry, in further implementation of resolutions 814 (1993) and 837 (1993), to investigate armed attacks on personnel of the United Nations Operation in Somalia II which led to casualties among them". The Secretary-General stated that he was requested to appoint the Commission at the earliest possible time and to report thereon. Following consultations, the Secretary-General had appointed a Commission of Inquiry to carry out the investigation. The Commission, consisting of three highly respected and distinguished international personalities, would be comprised of: The Honourable Matthew S. W. Ngulube, the Chief Justice of Zambia, as Chairman; General Emmanuel Erskine (Ret.) of Ghana; and General Gustav Hagglund of Finland. Given the importance the Secretary-General attached to the work of the Commission, he had decided to establish a separate secretariat to assist it in carrying out its tasks. Mr. Winston Tubman of the Office of Legal Affairs had been designated as Executive Secretary of this secretariat. Mr. Tubman was a former Minister of Justice of Liberia. The Secretary-General further stated that he had asked the members of the Commission to be available in New York on 23 November 1993 for consultations and to determine procedures for carrying out their investigation, as directed by the Security Council.

In a letter dated 30 November 1993,<sup>33</sup> the President of the Security Council informed the Secretary-General as follows:

"I have the honour to inform you that your letter dated 23 November 1993<sup>32</sup> concerning the Commission of Inquiry established pursuant to resolution 885 (1993) of 16 November 1993 has been brought to the attention of the members of the Security Council. They take note of the composition of the Commission and welcome your decision to establish a separate secretariat to assist the Commission in carrying out its tasks.

"The members of the Council look forward to receiving the Commission's report through you in accordance with paragraph 7 of resolution 885 (1993)."

## THE QUESTION OF SOUTH AFRICA<sup>1</sup>

### Decisions

In a letter dated 19 February 1993,<sup>2</sup> the President of the Security Council informed the Secretary-General as follows:

<sup>32</sup> S/26823.

<sup>33</sup> S/26824.

<sup>1</sup> Resolutions or decisions on this question were also adopted by the Council in 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988 and 1992.

<sup>2</sup> S/25315.

"I have the honour to inform you that the members of the Security Council have considered your report of 22 December 1992 on the situation in South Africa.<sup>3</sup> They are most grateful for the comprehensive and helpful account of events in South Africa contained in that report. They note that the presence of international observers has had a salutary effect on the political situation there. They welcome your decision to reinforce the United Nations Observer Mission in South Africa with an increment of ten additional observers.

"The members of the Council have asked me to take this opportunity to express their appreciation to you and, through you, to your two Special Envoys, the Chief of the United Nations Observer Mission in South Africa and the members of her team, for the excellent work being done by the United Nations in South Africa. They look forward to receiving further reports from you on the situation in South Africa and the work of the United Nations there."

At its 3197th meeting, on 12 April 1993, the Council discussed the item entitled "The question of South Africa".

At the same meeting, following consultations held earlier among members of the Security Council, the President made the following statement on behalf of the Council:<sup>4</sup>

"The assassination of Chris Hani, a member of the African National Congress National Executive Committee and Secretary-General of the South African Communist Party, is a deplorable and troubling event. This brutal murder saddens all who are working for peace, democracy and justice in South Africa. Mr. Hani's murder further underscores the urgent need to end violence in the country and to push ahead with the negotiations which will create a united, non-racial and democratic South Africa.

"Chris Hani actively supported these negotiations and only last week called for an end to violence so the negotiations could proceed in a climate of peace and stability. In this regard, the Security Council welcomes the announcements by all those who have reaffirmed their commitment to the negotiating process, including the ANC, the South African Communist Party and the Congress of South African Trade Unions. Negotiations leading to non-racial democracy must not be held hostage by the perpetrators of violence.

"The Council states its determination to remain supportive of efforts to facilitate this peaceful transition to a non-racial democracy for the benefit of all South Africans."

At its 3267th meeting, on 24 August 1993, the Council discussed the item entitled "The question of South Africa".

At the same meeting, following consultations held earlier among members of the Security Council, the President made the following statement on behalf of the Council:<sup>5</sup>

"The Security Council deplores the recent upsurge in violence and discord in South Africa, especially in the East Rand. This violence - terrible in its human toll - is even more tragic as the country proceeds

<sup>3</sup> *Official Records of the Security Council, Forty-seventh Year, Supplement for October, November and December 1992, document S/25004.*

<sup>4</sup> S/25578.

<sup>5</sup> S/26347.