L.N. 123 of 1998

UNITED NATIONS (SECURITY COUNCIL SANCTIONS) ACT, 1993 (ACT NO. XX OF 1993)

United Nations Sanctions (Federal Republic of Yugoslavia and Kosovo) Regulations, 1998

IN exercise of the powers conferred by section 3 of the United Nations (Security Council Sanctions) Act, 1993, the Prime Minister has made the following regulations:–

Citation.

1. These regulations may be cited as the United Nations Sanctions (Federal Republic of Yugoslavia and Kosovo) Regulations, 1998.

Interpretation.

2. In these regulations, unless the context otherwise requires –

"arms" includes any related material of all types, such as weapons and ammunition, military vehicles and equipment and spare parts for any weapons.

Text of Resolution.

3. For the purposes of subsection (2) of section 3 of the Act, the Resolution is published in the English language in the Schedule to these regulations.

Prohibition of the supply of weapons or military equipment to the Federal Republic of Yugoslavia and Kosovo.

4. Notwithstanding any other law, the supply or sale, in any manner whatsoever, including the use of any vessel or aircraft belonging to Malta, by any person in Malta or by any citizen or permanent resident of Malta, whether in Malta or elsewhere, of any arms to any person or entity in the Federal Republic of Yugoslavia, including Kosovo, is prohibited

Arming and training for terrorist activities.

5. Any person in Malta or any citizen or permanent resident of Malta, whether in Malta or elsewhere, who arms and trains any person for terrorist activities in the Federal Republic of Yugoslavia, including Kosovo, shall be guilty of an offence against these regulations.

Penalty.

6. Any person found guilty of an offence against these regulations shall, on conviction, be liable to a fine *(multa)* not exceeding fifty thousand Maltese liri.

SCHEDULE

(Regulation 3)

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 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 declarations 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 licence 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;

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.

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