Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 16,057, 10 ta' Jannar, 1995
Taqsima B

A.L. 1 ta' l-1995

ATT TA' L-1993 DWAR SANZJONIJIET TAL-KUNSILL TAS-SIGUREZZA TAN-NAZZJONIJIET UNITI (ATT NRU. XX TA' L-1993)

Regolamenti ta' l-1995 dwar Sanzjonijiet tan-Nazzjonijiet Uniti fir-rigward tar-Repubblika ta' Bosnia u Herzegovina

BIS-SAĦĦA tas-setgħat mogħtija bl-artikolu 3 ta' l-1993 dwar Sanzjonijiet tal-Kunsill tas-Sigurezza tan-Nazzjonijiet Uniti, il-Prim Ministru għamel dawn ir-regolamenti li ġejjin:—

Titolu.

1. Dawn ir-regolamenti jistgħu jissejħu r-Regolamenti ta' l-1995 dwar Sanzjonijiet tan-Nazzjonijiet Uniti fir-rigward tar-Repubblika ta' Bosnia u Herzegovina.

Tifsir.

2. F'dawn ir-regolamenti, kemm-il darba r-rabta tal-kliem ma teħtieġx xort'oħra —

"l-Att" tfisser l-Att ta' l-1993 dwar Sanzjonijiet tal-Kunsill tas-Sigurezza tan-Nazzjonijiet Uniti;

"il-Kumitat" tfisser il-Kumitat stabbilit bis-saħħa tar-riżoluzzjoni numru 724, li ġiet adottata mill-Kunsill tas-Sigurezza tan-Nazzjonijiet Uniti fil-15 ta' Diċembru, 1991;

"attivitajiet ekonomiċi" tfisser

(a) kull attività ta' xorta ekonomika, li tinkludi attivitajiet u transazzjonijiet kummerċjali, finanzjarji u industrijali, b'mod partikolari kull attività ta' xorta ekonomika li tkun tinvolvi l-użu ta' jew il-parteċipazzjoni fi, ma' jew b'konnessjoni ma' proprjetà jew interessi fi proprjetà;

(b) it-twettieq ta' drittijiet li għandhom x'jaqsmu mal-proprjetà jew ma' interessi fil-proprjetà, u

(ċ) it-twettieq ta' enti ġdida jew bidla fit-tmexxija ta' enti li diġà teżisti;

"proprjetà jew interessi fi proprjetà" tfisser flus, attiv finanzjarju sew tanġibbli u intanġibbli, u titoli u strumenti ta' debitu negozjati pubblikament u privatament, u kull riżorsi oħrajn ta' xorta finanzjarja u ekonomika;

"Riżoluzzjoni" tfisser ir-riżoluzzjoni numru 942 li ġiet adottata mill-Kunsill tas-Sigurezza fit-3428 laqgħa tiegħu fit-23 ta' Settembru, 1994.

Test ta' Riżoluzzjoni.

3. Għall-finijiet tas-subartikolu (2) ta' l-artikolu 3 ta' l-Att, ir-Riżoluzzjoni qegħda tiġi pubblikata bl-ilsien Ingliż fl-Iskeda li tinsab ma' dawn ir-regolamenti.

Projbizzjoni ta' Attivitajiet Ekonomiċi.

4. (1) Minkejja kull liġi oħra, attivitajiet ekonomiċi li jitwettqu minn xi enti, tkun fejn tkun inkorporata jew kostitwita li tkun proprjetà ta' jew direttament jew indirettament kontrollata minn:

(a) persuna li tkun ġewwa, jew li tkun toqgħod fi, jew kull enti, inkluża kull impriża ta' utilità kummerċjali, industrijali jew pubblika, f'dawk iż-żoni tar-Repubblika ta' Bosnia u Herzegovina li jkunu taħt il-kontroll tal-forzi Serbo Bosniaċi, jew

(b) enti li tkun inkorporata fi jew kostitwita bis-saħħa tal-liġi ta' dawk iż-żoni tar-Repubblika ta' Bosnia u Herzegovina li jkunu taħt il-kontroll tal-forzi Serbo Bosniaċi, kif ukoll

attivitajiet ekonomiċi mwettqa, minn persuna jew enti, li tirriżulta bħala li tkun qegħda taġixxi għal jew f'isem u għal benefiċċju ta' xi enti, inkluża kull impriża ta' utilità kummerċjali, industrijali jew pubblika f'dawk iż-żoni tar-Repubblika ta' Bosnia u Herzegovina li jkunu taħt il-kontroll tal-forzi Serbo Bosniaċi, jew kull enti identifikata fis-subparagrafi (a) u (b) hawn aktar qabel, huma projbiti.

(2) Id-dispożizzjonijiet tal-paragrafu (1) ta' dan ir-regolament ma għandhomx japplikaw għal:

(a) kull attività ekonomika li ma tirriżultax fit-trasferiment ta' proprjetà jew interessi fi proprjetà lil xi persuna jew enti deskritti fis-subparagrafi (a) u (b) tal-paragrafu (1) u li jkunu ġew awtorizzati mis-Segretarju Permanenti fil-Ministeru ta' l-Affarijiet Barranin;

(b) il-provviġjonament ta' provvisti li jkunu strettament intiżi għal għanijiet mediċi u ħwejjeġ ta' l-ikel li jiġu notifikati lill-Kumitati, jew kommoditajiet u prodotti għal bżonnijiet essenzjalment umanitarji u li jiġu approvati mill-Kumitat.

Imblokkar ta' Attiv.

5. (1) Kull min ikollu xi fius jew attiv ekonomiku ieħor jew riżorsi ta' xi enti, inkluża xi impriża ta' utilità kummerċjali, industrijali jew pubblika f'dawk iż-żoni tar-Repubblika ta' Bosnia u Herzegovina li jkunu taħt il-kontroll tal-forzi Serbo Bosniaċi, jew ta' kull persuna jew enti kif imsemmija fis-subparagrafi (a) u (b) tal-paragrafu (1) tar-regolament 4 għandu jimblokka dawk il-flus, attiv finanzjarju jew riżorsi.

(2) Id-dispożizzjonijiet tal-paragrafu (1) ta' dan ir-regolament ma għandhomx japplikaw għal:

(a) pagamenti magħmulin b'konnessjoni ma' attivitajiet awtorizzati skond il-paragrafu (2) tar-regolament 4; jew

(b) pagamenti magħmulin b'konnessjoni ma' transazzjonijiet awtorizzati mill-Gvern tar-Repubblika ta' Bosnia u Herzegovina għar-rigward ta' persuni jew entijiet li jkunu jinsabu fi ħdan it-territorju tiegħu;

sakemm pagamenti magħmulin lil persuni kif hemm imsemmi fil-paragrafu (1) ta' dan ir-regolament ikunu b'konnessjoni ma' attivitajiet li dwarhom ikun inkiseb permess mingħand is-Segretarju Permanenti fil-Ministeru ta' l-Affarijiet Barranin; u fil-każ ta' pagamenti magħmulin b'konnessjoni mas-subparagrafu (a) ta' dan il-paragrafu, dawk il-pagamenti jkunu ġew awtorizzati mis-Segretarju Permanenti fil-Ministeru ta' l-Affarijiet Barranin wara li jkun aċċerta ruħu li dawk il-pagamenti ma jkunux jirriżultaw fit-trasferiment ta' flus jew attiv finanzjarju jew riżorsi oħra lil xi persuna jew enti kif deskritti fis-subparagrafi (a) u (b) tal-paragrafu (1) tar-regolament 4.

Il-pagament ta' dividendi, eċċ. għandu jsir biss f'kontijiet imblokkati.

6. Minkejja kull liġi oħra, ħadd ma jista' jagħmel pagament ta' dividendi, interessi jew qliegħ ieħor fuq ishma, imgħax, *bonds* jew obbligi ta' debitu jew ammonti miksubin minn interess fi, jew il-bejgħ jew tneħħija oħra ta', jew kull parteċipazzjoni oħra ma', attiv tanġibbli u mhuwiex u jeddijiet dwar proprjetà, li jolqtu

(i) enti, inkluża impriża ta' utilità kummerċjali, industrijali jew pubblika f'dawk iż-żoni tar-Repubblika ta' Bosnia u Herzegovina li jkunu taħt il-kontroll tal-forzi Serbo Bosniaċi, jew

(ii) enti msemmija fis-subparagrafu (a) tal-paragrafu (1) tar-regolament 4 jew persuna jew enti msemmija fis-subparagrafu (b) tal-paragrafu (1) tar-regolament 4,

ħlief f'kontijiet imblokkati.

Għoti ta' servizzi finanzjarji u li mhumiex.

7. (1) Minkejja kull liġi oħra ħadd ma għandu jagħti servizzi, sew finanzjarji jew li mhumiex, lil xi persuna jew korp għall-għanijiet ta' xi negozju li jitwettaq f'dawk iż-żoni tar-Repubblika ta' Bosnia u Herzegovina li jkunu taħt il-kontroll tal-forzi Serbo Bosniaċi.

(2) Id-dispożizzjonijiet tal-paragrafu (1) ma għandhomx japplikaw għal:

(a) telekomunikazzjonijiet, servizzi postali, u servizzi legali li jkunu konsistenti mad-dispożizzjonijiet tar-Riżoluzzjoni;

(b) servizzi li l-għoti tagħhom jista' jkun meħtieġ għal għanijiet umanitarji jew għal għanijiet oħra eċċezzjonali, kif jiġi approvat mill-Kumitat;

(ċ) servizzi li jkunu awtorizzati mill-Gvern tar-Repubblika ta' Bosnia u Herzegovina.

It-tagħbijiet ta' kull kommodità għandhom jintwerew fuq il-manifest.

8. Minkejja kull liġi oħra, kull tagħbija ta' kull kommodità u prodott destinati għal dawk iż-żoni tar-Repubblika ta' Bosnia u Herzegovina li jkunu taħt il-kontroll tal-forzi Serbo Bosniaċi għandha tintwera sew fuq il-manifest u għandha titgħabba b'dak il-mod li tkun tista' ssir verifika fiżika tal-kontenut tagħha.

Pieni.

9. (1) Kull min jikser xi dispożizzjoni ta' dawn ir-regolamenti jew li jikser xi restrizzjoni, projbizzjoni jew ħtieġa imqegħda minn jew bis-saħħa ta' dawn ir-regolamenti jkun ħati ta' reat bi ksur ta' dawn ir-regolamenti.

(2) Kull min jinsab ħati ta' reat bi ksur ta' dawn ir-regolamenti jeħel, meta jinsab ħati, multa ta' mhux iktar minn ħamsin elf lira Maltija u r-revoka ta' kull liċenza li huwa jkun uża fit-twettieq ta' xi awtorità ekonomika jew fl-għoti ta' servizzi li jkunu projbiti b'dawn ir-regolamenti.

SCHEDULE

(Regulation 3)

RESOLUTION 942 (1994)

Adopted by the Security Council at its 3428th meeting, on 23 September 1994

The Security Council,

Recalling all its earlier relevant resolutions,

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

Expressing appreciation for the efforts undertaken by the representatives of the United Nations, the European Union, the United States of America and the Russian Federation to assist the parties in reaching a settlement,

Reaffirming the need for a lasting peace settlement to be signed by all the Bosnian parties, and implemented in good faith by them, and **condemning** the decision by the Bosnian Serb party to refuse to accept the proposed territorial settlement (S/1994/1081).

Viewing the measures imposed by the present resolution and by its previous relevant resolutions as a means towards the end of producing a negotiated settlement to the conflict,

Expressing its support for the continuing efforts of Member States, in particular States in the region, to implement its relevant resolutions,

Determining that the situation in the former Yugoslavia continues to constitute a threat to international peace and security,

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

A

1. **Expresses its approval** of the proposed territorial settlement for the Republic of Bosnia and Herzegovina which has been put to the Bosnian parties as part of an overall peace settlement;

2. **Expresses its satisfaction** that the proposed territorial settlement has now been accepted in full by all except the Bosnian Serb party;

3. **Strongly condemns** the Bosnian Serb party for their refusal to accept the proposed territorial settlement, and **demands** that that party accept this settlement unconditionally and in full;

4. **Requires** all parties to continue to observe the cease-fire as agreed on 8 June 1994 and to refrain from all new acts of hostility;

5. **Declares** its readiness to take all measures necessary to assist the parties to give effect to the proposed settlement once it has been accepted by all parties, and in this connection **encourages** States, acting nationally or through regional agencies or arrangements, to cooperate in an effective manner with the Secretary-General in his efforts to aid the parties to implement the proposed settlement;

B

Resolved to reinforce and extend the measures imposed by its previous resolutions with regard to those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces,

6. **Calls upon** States to desist from any political talks with the leadership of the Bosnian Serb party as long as that party has not accepted the proposed settlement in full;

7. **Decides** that States shall prevent

(i) economic activities carried on, after the date of adoption of this resolution, within their territories by any entity, wherever incorporated or constituted, which is owned or controlled, directly or indirectly, by:

(a) any person in, or resident in, or any entity, including any commercial, industrial or public utility undertaking, in those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces, or

(b) any entity incorporated in or constituted under the law of those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces, as well as

(ii) economic activities carried on, after the date of adoption of this resolution, within their territories, by any person of entity, including those identified by States for the purpose of this resolution, found to be acting for or on behalf of and to the benefit of any entity, including any commercial, industrial or public utility undertaking in those areas of the Republic of Bosnia and

Herzegovina under the control of Bosnian Serb forces, or any entity identified in subparagraph (i) above;

provided

(a) that States may authorize such activities to be carried on within their territories, having satisfied themselves on a case-by-case basis that the activities do not result in the transfer of property or interests in property to any person or entity described in subparagraph (i) (a) or (b) above, and

(b) that nothing in this paragraph shall prevent the provision of supplies intended strictly for medical purposes and foodstuffs notified to the Committee established by resolution 724 (1991), or commodities and products for essential humanitarian needs approved by the Committee;

8. **Decides** that States shall revoke existing, and issue no further, authorization under paragraph 7 above in respect of any person or entity violating the measures imposed by this resolution or violating the measures imposed by earlier relevant resolutions, where those violations have occurred after the date of adoption of this resolution;

9. **Decides** that States shall consider the term "economic activities" used in paragraph 7 above to mean

(a) all activities of an economic nature, including commercial, financial and industrial activities and transactions, in particular all activities of an economic nature involving the use of or dealing in, with or in connection with property or interests in property,

(b) the exercise of rights relating to property or interests in property, and

(c) the establishment of any new entity or change in management of an existing entity;

10. **Decides** that States shall consider the term "property or interests in property" used in paragraphs 7 and 9 above to mean funds, financial, tangible and intangible assets, property rights, and publicly and privately traded securities and debt instruments, and any other financial and economic resources;

11. **Decides** that States in which there are funds or other financial assets or resources of

(i) any entity, including any commercial, industrial or public utility undertaking in those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces, or

(ii) any entity identified in paragraph 7 (i) above or any person or entity identified in paragraph 7 (ii) above,

shall require all persons and entities within their territories holding such funds or other financial assets or resources to freeze them to ensure that neither they nor any other

funds or any other financial assets or resources are made available directly or indirectly to or for the benefit of any of the above-mentioned persons or entities,

except

(a) payments made in connection with activities authorized in accordance with paragraph 7 above, or

(b) payments made in connection with transactions authorized by the Government of the Republic of Bosnia and Herzegovina with regard to persons of entities within its territory,

provided that States are satisfied that payments to persons outside their territories will be used for the purpose or in connection with the activities and transactions for which permission is sought; and that in the case of payments made under exception (a) above, States may authorize such payments only after they are satisfied on a case-by-case basis that the payments do not result in the transfer of funds or other financial assets or resources to any person or entity described in subparagraph (a) or (b) of paragraph 7 (i) above;

12. **Decides** that States shall ensure that all payments of dividends, interest or other income on shares, interest, bonds or debt obligations or amounts derived from an interest in, or the sale or other disposal of, or any other dealing with, tangible and intangible assets and property rights, accruing to

(i) any entity, including any commercial, industrial or public utility undertaking in those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces, or

(ii) any entity identified in paragraph 7 (i) or any person or entity identified in paragraph 7 (ii) above,

are made only into frozen accounts;

13. **Decides** that the provision of services, both financial and non-financial, to any person or body for the purposes of any business carried on in those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces shall be prohibited, the only exceptions being (a) telecommunications, postal services and legal services consistent with this resolution and earlier relevant resolutions, (b) services whose supply may be necessary for humanitarian or other exceptional purposes, as approved on a case-by-case basis by the Committee established by resolution 724 (1991), and (c) services authorized by the Government of the Republic of Bosnia and Herzegovina;

14. **Decides** that States shall prevent the entry into their territories of:

(a) the members of the authorities, including legislative authorities, in those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces and officers of the Bosnian Serb military and paramilitary forces, and those acting on behalf of such authorities or forces;

(b) persons found, after the adoption of the present resolution, to have provided financial, material, logistical, military or other tangible support to Bosnian Serb forces in violation of relevant resolutions of the Council;

(c) persons in or resident in those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces found to have violated or contributed to the violation of the measures set out in resolution 820 (1993) and in the present resolution;

and **requests** that the Committee established by resolution 724 (1991) establish and maintain an updated list, based on information provided by States and competent regional organizations, of the persons falling within this paragraph;

provided that nothing in this paragraph shall oblige a State to refuse entry into its territory to its own nationals; and provided that the entry of a person included in the list into a particular State on a specified date may be authorized, for purposes consistent with the pursuit of the peace process and with the present resolution and earlier relevant resolutions, by the Committee or, in the event of disagreement in the Committee, by the Council;

15. **Decides** to prohibit all commercial riverine traffic from entering ports of those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces except when authorized on a case-by-case basis by the Committee established by resolution 724 (1991), or by the Government of the Republic of Bosnia and Herzegovina for its territory, or in case of **force majeure**;

16. **Decides** that States shall require that all shipments of commodities and products destined for those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces be properly manifested and either be physically inspected by the Sanctions Assistance Missions or the competent national authorities at loading to verify and seal their contents or be laden in a manner which permits adequate physical verification of the contents;

17. **Decides** that States shall, in notifying or submitting applications to the Committee established by resolution 724 (1991) in respect of supplies intended strictly for medical purposes and foodstuffs and essential humanitarian supplies in respect of those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces, report for information purposes to the Committee on the source of funds from which payment is to be made;

18. **Decides** that States shall, in implementing the measures imposed by this resolution, take steps to prevent the diversion of benefits to those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces from other places, and in particular from the United Nations Protected Areas in Croatia;

19. **Requests** the Secretary-General to provide the necessary assistance to the Committee established by resolution 724 (1991) and to make the necessary arrangements in the Secretariat for that purpose;

20. **Decides** that the provisions set forth in this resolution do not apply to activities related to the United Nations Protection Force, the International Conference on the Former Yugoslavia or the European Community Monitoring Missions;

21. **Decides** to review the measures imposed by this resolution whenever appropriate and in any event every four months from the date of adoption of this resolution; and **expresses its readiness** to reconsider those measures if the Bosnian Serb party accepts the proposed territorial settlement unconditionally and in full;

22. **Decides** to remain actively seized of the matter and to consider immediately, whenever necessary, further steps to achieve a peaceful solution in conformity with relevant resolutions of the Council.