

17. Items relating to the situation in the former Yugoslavia

A. The situation in Bosnia and Herzegovina

During 2021, the members of the Security Council held three meetings, adopted one resolution under Chapter VII of the Charter and failed to adopt a draft resolution in connection with the situation in Bosnia and Herzegovina. Except for the meeting convened to adopt the resolution which took the form of a debate, all other meetings took the form of briefings.⁶¹⁷ More information about the meetings, including on participants and speakers, is provided in table 1 below. The members of the Council also held one videoconference in connection with the item.⁶¹⁸ More information about the videoconference is provided in table 2 below. In addition, Council members held informal consultations of the whole to discuss this item.⁶¹⁹

In 2021, Council members heard briefings from the High Representative for Bosnia and Herzegovina and by the Officer-in-Charge of Europe and Central Asia Division in the Department of Political and Peacebuilding Affairs. In addition to Council members, the representatives of Bosnia and Herzegovina participated in both meetings.

On 4 May 2021, during his briefing at the open videoconference, the High Representative for Bosnia and Herzegovina provided updates on developments in connection with his latest report.⁶²⁰ At the outset, the High Representative recalled the commemoration of the twenty-fifth anniversary of the General Framework Agreement for Peace in 2020 as a moment of hope and reflection for Bosnia and Herzegovina. In that context, he referred to a set of concrete conclusions which had been adopted by the Republika Srpska authorities in March 2021 as part of a long-standing policy of challenging the fundamentals of the Agreement, leaving open the option for the so-called “peaceful dissolution” of Bosnia and Herzegovina. In that connection, he stressed that the Dayton Peace Agreement did not give the right to entities to secede and expressed regret about the political atmosphere and the lack of progress on reforms. The High

⁶¹⁷ For more information on the format of meetings, see part II, sect. II.

⁶¹⁸ For more information on the procedures and working methods developed during the COVID-19 pandemic, see part II.

⁶¹⁹ See [A/76/2](#), part II, chap. 6A. See also [S/2021/1032](#).

⁶²⁰ See [S/2021/436](#).

Representative stated that during his mandate since 2009, there had been a shift from rhetoric to action challenging the State competencies, institutions and decisions, as well as the State sovereignty and territorial integrity. The High Representative welcomed the movement around the electoral reform process but regretted that there was fear and mistrust among citizens and civil society of a further ethnicization of the electoral system which would conflict not only with the implementation of the *Sejdić and Finci* group of cases, but also with the specific goals of the General Framework Agreement for Peace. In that connection, the High Representative reiterated that further ethnic or territorial divisions must not be allowed. He also expressed his disappointment that a few efforts to criminalize the glorification of war criminals as well as genocide denial before the Bosnia and Herzegovina Parliament had failed.

The High Representative referred to some areas in which he remained hopeful, namely the city of Mostar, Sarajevo City and Banja Luka, which had elected new mayors of diverse backgrounds, gender, ethnicity and age. With regard to the implementation of the third national action plan for resolution [1325 \(2000\)](#), the High Representative reported that there had been some steps forward, such as the efforts to increase the role of women in peacekeeping missions. Announcing that that could be his last briefing to the Council, the High Representative reflected on some of the lessons of the past 12 years. He affirmed that Bosnia and Herzegovina remained de facto a frozen conflict, where political leaders continued to pursue wartime goals and generate divisive narratives and nationalistic political agendas. He noted that the refusal to accept the authority of the State and to comply with the rule of law, defying or ignoring the Bosnia and Herzegovina legal and constitutional framework and not cooperating with, or actively undermining, State-level judicial and law enforcement agencies and the defiance of the authority and decisions of High Representatives were some examples of the most immediate challenges. Until there was a genuine, demonstrated commitment to peace and stability and the durable stability and inviolability of Bosnia and Herzegovina were ensured, he said that the international community must retain all the instruments at its disposal to address any potential threat, including, inter alia, the executive powers of the High Representative. While acknowledging that the growing gaps in the wider international community did not help the situation in Bosnia and

Herzegovina and the region to improve, he appealed to the international community to remain united and decisive and to work together on offering solutions and solving problems.⁶²¹

During the discussion that followed the briefing, most Council members welcomed the holding of the 2020 local and municipal elections, especially in the city of Mostar, for the first time since 2008, as positive developments. At the same time, a majority of Council members expressed similar concerns about the country's divisive ethnic politics. In that regard, most speakers condemned the rise of nationalistic and secessionist rhetoric and the glorification of war criminals and historical revisionism. Speakers urged all relevant parties to refrain from such narratives and focus on promoting reconciliation and on the challenges the country was facing, namely, the COVID-19 pandemic, the implementation of the necessary reforms, and the strengthening of the rule of law.⁶²² A number of Council members also regretted the lack of progress in the implementation of the "5 + 2" agenda of five objectives and two conditions, mandated by the Security Council, which was a requirement for the closure of the Office of the High Representative, and called on the parties to expedite its implementation.⁶²³ Thanking the High Representative for his report, a number of speakers requested that it include the elements of implementation of the women and peace and security agenda in the future.⁶²⁴ The representative of the Russian Federation, on the other hand, contended that the report of the High Representative was not balanced and that it did not reflect the real situation in Bosnia and Herzegovina. She proposed that the Council could consider the report prepared by the Republic of Srpska "as a good alternative" and called for closure of the Office of the High Representative as soon as possible, noting that the terms and criteria of the closure should reflect the realities on the ground. With regard to the mandate of the High Representative, the representative of the Russian Federation also strongly recommended that he refrained from interpreting his mandate too broadly. The representative of China encouraged the High Representative to maintain a constructive dialogue and cooperation with all Bosnian parties and noted that the appointment of

⁶²¹ Ibid.

⁶²² Ibid., Estonia, Kenya, Niger, Saint Vincent and the Grenadines, Tunisia, United Kingdom, and Viet Nam.

⁶²³ Ibid., France, India, Kenya, Mexico, Niger, Tunisia, United States, and Viet Nam.

⁶²⁴ Ibid., Estonia, Ireland, Mexico, and Norway.

the High Representative should be handled in accordance with the Dayton Peace Agreement and past practices.

On 29 June 2021, at the request of the Russian Federation, the Council held a meeting on the situation in Bosnia and Herzegovina.⁶²⁵ The Officer-in-Charge of the Europe and Central Asia Division of the Department of Political and Peacebuilding Affairs provided a briefing to the Council on the latest developments in the country. He stated that while there had been progress in certain areas, concerns remained at the overall situation regarding the consolidation of peace and reconciliation with continued practices that contributed to polarization and hindered the prospect of prosperity and stability, not only for Bosnia and Herzegovina but also for the region.⁶²⁶ Those included persistent instances of revisionist narratives, divisive rhetoric, denial of genocide and war crimes, glorification of convicted war criminals and hate speech. He reported that, during a 10-day visit to Bosnia and Herzegovina earlier that month, the Secretary-General's Special Adviser on the Prevention of Genocide had expressed concern about that trend and had called for an increased commitment to trust-building and reconciliation. He noted that amid divisions and lack of consensus, progress in Bosnia and Herzegovina had proved challenging over the past period and more needed to be done to advance much-needed reforms. The Officer-in-Charge also highlighted that the United Nations had been working with the Government, municipalities and civil-society organizations in support of the empowerment of women and youth. With regard to the recent developments in the Peace Implementation Council Steering Board in Sarajevo related to the appointment of a new High Representative, the Officer-in-Charge stated that the United Nations was not a member of the Steering Board and therefore had not participated in the process. He also clarified that the United Nations was not a signatory to either the Dayton Peace Agreement or its annex 10.

In the discussion following the briefing, Council members focused many of their statements on a letter dated 3 June 2021 addressed to the Secretary-General from Mr. Valentin Inzko, High Representative for Bosnia and Herzegovina, announcing the appointment of his successor, Mr. Christian Schmidt, by the Peace Implementation Council Steering Board.

⁶²⁵ [S/PV.8810](#). See also [S/2021/1032](#).

⁶²⁶ [S/PV.8810](#).

According to the letter, Mr. Schmidt would take up his duties on 1 August 2021, upon which Mr. Inzko's resignation would become effective.⁶²⁷ The representative of the Russian Federation stated that, as a member of the Steering Board of the Peace Implementation Council for Bosnia and Herzegovina, the Russian Federation categorically disagreed with the confirmation of that appointment. He added that it was well known that the procedure for the appointment of High Representatives that had developed over the years was logical, transparent and democratic. Candidates were confirmed by the Steering Board with the consent of the Bosnian sides and then approved by the Security Council, usually in the form of an adopted resolution. While most members expressed support for the appointment of the new High Representative, in accordance with the Dayton Peace agreements, delegations diverged on their positions regarding the appointment procedure. While some took note of the appointment by the Peace Implementation Council Steering Board, despite the absence of consensus,⁶²⁸ others cautioned that the Security Council should have also been consulted in the matter.⁶²⁹ Several member states noted that there had been little progress in the "5+2" agenda and reiterated their call on Bosnian competent authorities to take the necessary steps to complete it for the closure of the Office of the High Representative.⁶³⁰ Further to statements by Council members, the Minister for Foreign Affairs of Bosnia and Herzegovina mentioned that the requirements that needed to be met by the authorities of Bosnia and Herzegovina prior to the closure of the Office of the High Representative had not yet been achieved.⁶³¹ She emphasized that the process of transferring responsibility to Bosnia and Herzegovina's elected officials was an important one, but it must be done when all agreed preconditions had been met. She added that the political situation in the country over the previous six months, illustrated the need for the Office of the High Representative to continue its important work. In that connection, she invited all members of the Peace Implementation Council to continue to provide support to the High Representative. The representative of the

⁶²⁷ See [S/2021/597](#).

⁶²⁸ [S/PV.8810](#), France, Tunisia, Norway, United States, Ireland, United Kingdom, and Estonia.

⁶²⁹ *Ibid.* Saint Vincent and the Grenadines, China, Viet Nam, and Niger.

⁶³⁰ *Ibid.*, India, Mexico, Tunisia, Norway, United States, Kenya, and Ireland.

⁶³¹ *Ibid.*

Russian Federation and the Bosnian Minister made further statements at the end of the meeting.⁶³²

On 22 July 2021, the Security Council failed to adopt a draft resolution submitted by China and the Russian Federation due to the lack of the required number of votes.⁶³³ By the draft resolution, the Council would have decided, *inter alia*, to support the appointment of the High Representative for Bosnia and Herzegovina, as stipulated in the Annex 10 of the General Framework Agreement until 31 July 2022 with the subsequent closure of the Office of the High Representative.⁶³⁴ By the draft resolution, the Council would have also decided that the powers of the High Representative described in the conclusion of the Peace Implementation Conference, held in Bonn in 1997, were no longer required given the progress achieved by the Bosnian parties.⁶³⁵

Before the vote, statements were made by the representatives of the Russian Federation and China. The Russian representative contended that the High Representative's role of tutelary authority was inappropriate and was influencing the peace process in a negative way, which explained the lack of consensus regarding the appointment of the new High Representative.⁶³⁶ He maintained that the positions of certain representatives on the Steering Board were not sufficient for the new High Representative to be appointed and noted that the Dayton Agreement and the experience of the past 25 years demonstrated that the role of the Security Council in appointing a new High Representative was irreplaceable. Guided by the Security Council continued involvement in the post-Dayton peace process under Chapter VII of the Charter and in the interests of strengthening peace and stability in Bosnia and Herzegovina and the Balkans in general, he explained that the Russian Federation and China had decided to put before the Council the draft resolution which was aimed at eliminating the aforementioned problems. The representative of China stated that as the High Representative had an important bearing on the

⁶³² For further information on the procedures concerning the conduct of business at meetings, see part II, sect. VII.

⁶³³ See [S/PV.8823](#). See also [S/2021/667](#). The draft resolution received 2 votes in favour (China and Russian Federation) and 13 abstentions (Estonia, France, India, Ireland, Kenya, Mexico, Niger, Norway, Saint Vincent and the Grenadines, Tunisia, United Kingdom, United States and Viet Nam).

⁶³⁴ [S/2021/667](#), para. 3.

⁶³⁵ *Ibid.*, para. 2.

⁶³⁶ [S/PV.8823](#).

situation in Bosnia and Herzegovina, whether or not the appointment procedures were just and reasonable put at stake the legitimacy of the High Representative who was thereby selected, the authority of the Security Council on issues related to Bosnia and Herzegovina and the fundamental interests of the State and its people. He also stated that the Council played an undeniable role in the appointment of the High Representative under the Dayton Peace Agreement, a long-standing and established practice for which prior appointments had set precedents adding that to ignore that practice or to attempt to circumvent the Council would set a deplorable new precedent and have a negative impact. The Chinese representative also stressed that the High Representative system and the powers emanating from the Bonn Peace Implementation Conference represented a special arrangement for a specific period and that more than 25 years after the end of the war in Bosnia and Herzegovina, the situation in that country had undergone profound changes leading to different views regarding the High Representative system. He argued that maintaining that system and the Bonn powers was no longer in line with the actual needs of the State and the people of Bosnia and Herzegovina, and neither did it help the country exercise its sovereignty or achieve independence and autonomy, adding that the international community should provide assistance to Bosnia and Herzegovina that was commensurate with developments on the ground. He concluded by saying that China and Russia had therefore jointly submitted the draft resolution to maintain the authority and established practices of the Council, safeguard the sovereignty and independence of Bosnia and Herzegovina and respond to the concerns and aspirations of its people.

After the vote, the representatives of the Russian Federation and of China expressed regret that the draft resolution had not been adopted and that the candidate nominated for High Representative had failed to receive the Council's endorsement and therefore lacked legitimacy.⁶³⁷ In explaining their abstentions, Council members expressed full support for the Office of the High Representative for Bosnia and Herzegovina and welcomed the decision of the Steering Board of the Peace Implementation Council to appoint Mr. Christian Schmidt as the new High Representative. Several Council members considered that the expression of support by the Security Council was not necessary for the decision of the Steering Board to appoint a new

⁶³⁷ Ibid., Russian Federation and China.

High Representative to take effect. In this regard, they abstained in disagreement to constrain the powers of the High Representative and impose a time frame for the closure of the Office of the High Representative.⁶³⁸ Most Council members rejected the proposition of the draft resolution to prematurely consider the closure of the Office of the High Representative as not enough progress had been achieved regarding the objectives and conditions of the “5+2” agenda.⁶³⁹

On 3 November 2021, the Council held its second semi-annual debate on the situation in Bosnia and Herzegovina. At the outset of the meeting, the Council unanimously adopted resolution [2604 \(2021\)](#) under Chapter VII of the Charter.⁶⁴⁰ By the resolution, the Council, *inter alia*, renewed the authorization of the multinational stabilization force (European Union Force – EUFOR ALTHEA) and the continued presence of the North Atlantic Treaty Organization in the country for a period of 12 months, starting from the date of the adoption of that resolution.⁶⁴¹

In the ensuing debate, Council members welcomed the unanimous adoption of resolution [2604 \(2021\)](#) and the renewal of EUFOR ALTHEA’s mandate and its work towards peace and security in Bosnia and Herzegovina. In that connection, the representative of the Russian Federation expressed appreciation for the efforts made by France in its capacity as penholder on the Bosnia and Herzegovina file as well as to the Mexican presidency, stating that the two countries had been able to lead the Council towards finding the only possible common ground and ensuring unanimous renewal of the mandate of EUFOR ALTHEA.⁶⁴² The representatives of Norway and Estonia expressed regret, however, that the Security Council had not been able to proceed with the more substantial text, reiterating its position on elements such as the European perspective and the Office of the High Representative.⁶⁴³ Delegations expressed concern about the prolonged political deadlock and obstruction of State institutions in Bosnia and Herzegovina as well as the escalation of divisive rhetoric, the glorification of war criminals and actions targeted at the country’s Constitution. In that context, some speakers called for the

⁶³⁸ *Ibid.*, Ireland, United States, United Kingdom, Mexico, and France.

⁶³⁹ *Ibid.*, Ireland, United States, Estonia, Norway, United Kingdom, Mexico, and France.

⁶⁴⁰ [S/PV.8896](#).

⁶⁴¹ Resolution [2604 \(2021\)](#), paras. 1 and 2.

⁶⁴² [S/PV.8896](#).

⁶⁴³ *Ibid.*, Norway and Estonia.

implementation of constitutional and electoral reforms that guaranteed the principle of non-discrimination and the equality of all citizens, in accordance with the rulings of the European Court of Human Rights.⁶⁴⁴ In addition, several speakers emphasized the importance of the participation of women in decision-making in all its dimensions.⁶⁴⁵ Most participants expressed their support for the Office of the High Representative and his role in overseeing the implementation of the civilian aspects of the Dayton Peace Agreement, and thanked the newly appointed High Representative for his latest report.⁶⁴⁶ A number of Council members underscored, in that regard, the need for progress in the implementation of the “5+2” agenda which remained the agreed prerequisite for the closure of the Office of the High Representative.⁶⁴⁷ The representative of the Russian Federation reiterated, however, that there had been a circumvention of the Security Council in the appointment procedure of the new High Representative, in violation of international law and the existing practice of making such appointments by consensus, and stressed that the Office of the High Representative remained vacant. In the same vein, the representative of China also reiterated that the system of the High Representative and the Bonn powers thereof had been special arrangements of a particular time and that the international community should provide help to Bosnia and Herzegovina in ways that adapted to the evolving situation.

Table 1:
Meetings: The situation in Bosnia and Herzegovina

<i>Meeting record and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Rule 37 invitations</i>	<i>Rule 39 and other invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
S/PV.8810 29 June 2021			Bosnia and Herzegovina	Officer-in-Charge, Europe and Central Asia Division, Department of Political and Peacebuilding Affairs	All Council members, all invitees ^a	

⁶⁴⁴ Ibid., France, Ireland, Saint Vincent and the Grenadines, Norway, United States, Kenya, Estonia, Mexico, and European Union.

⁶⁴⁵ Ibid., France, Ireland, Norway, Estonia, Mexico, and European Union.

⁶⁴⁶ Ibid., Ireland, United Kingdom, Norway, United States, India, and Estonia.

⁶⁴⁷ Ibid., Ireland, Saint Vincent and the Grenadines, United Kingdom, Norway, India, Tunisia, Niger, Kenya, and Mexico.

<i>Meeting record and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Rule 37 invitations</i>	<i>Rule 39 and other invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
S/PV.8823 22 July 2021		Draft resolution submitted by China and Russian Federation (S/2021/667)			10 Council members ^b	2-0-13 ^c
S/PV.8896 3 November 2021		Draft resolution submitted by France (S/2021/913)	Bosnia and Herzegovina, Croatia, Serbia	Head of the Delegation of the European Union to the United Nations	All Council members, all invitees	Resolution 2604 (2021) 15-0-0 (adopted under Chapter VII)

^a Bosnia and Herzegovina was represented by its Minister for Foreign Affairs.

^b China, Estonia, France, Ireland, Mexico, Norway, Russian Federation, United Kingdom, United States, Viet Nam.

^c *For*: China, Russian Federation; *against*: none; *abstaining*: Estonia, France, India, Ireland, Kenya, Mexico, Niger, Norway, Saint Vincent and the Grenadines, Tunisia, United Kingdom, United States, Viet Nam.

Table 2
Videoconferences: The situation in Bosnia and Herzegovina

<i>Videoconference date</i>	<i>Videoconference record</i>	<i>Title</i>	<i>Decision and vote (for-against-abstaining) and record of written procedure</i>
4 May 2021	S/2021/436	Letter dated 6 May 2021 from the President of the Security Council addressed to the Secretary-General and the Permanent Representatives of the members of the Security Council	