

19. Items relating to the situation in the former Yugoslavia

A. The situation in Bosnia and Herzegovina

During 2023, the Council held two meetings and adopted one resolution under Chapter VII of the Charter of the United Nations in connection with the situation in Bosnia and Herzegovina. The two meetings took the format of a debate.⁵⁹⁰ More information about the meetings, including on participants, speakers and outcome is provided in the table below.⁵⁹¹ Council members also held an informal consultation of the whole in connection with this item.⁵⁹²

At the meeting held on 10 May 2023,⁵⁹³ the Council heard a briefing by the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina. At the outset of the meeting, prior to the briefing, the representative of the Russian Federation expressed disagreement with the presence of Mr. Christian Schmidt at that meeting in his capacity as High Representative, as the Council had not approved him for that position.⁵⁹⁴ The representative added that the Council had nevertheless the practice to hear speakers in their personal capacity and that was how his delegation would perceive Mr. Schmidt's presence in the Chamber on that day.

The High Representative opened his remarks by recalling that almost three decades had passed since the signing of the Dayton Peace Agreement.⁵⁹⁵ In that connection, he stated that while he saw encouraging developments in post-conflict Bosnia and Herzegovina, he also saw profound threats to the fundamentals of the General Framework Agreement. Specifically, he noted that the country was on an irreversible path towards European integration and the granting of its candidacy status on 15 December 2022. He also noted the positive momentum created by

⁵⁹⁰ For more information on the format of meetings, see part II, sect. I.

⁵⁹¹ See also [A/78/2](#), part II, chap. 6.A.

⁵⁹² On 7 July, the Council discussed the situation in Bosnia and Herzegovina in closed consultations, under "any other business", at the request of the Russian Federation. During the meeting, the Council heard a briefing by the Assistant Secretary-General for Middle East, Asia and the Pacific in the Department of Political and Peacebuilding Affairs and Peace Operations. See [S/2023/622](#).

⁵⁹³ See [S/PV.9319](#).

⁵⁹⁴ For more information on the discussion concerning the participation of the High Representative for Bosnia and Herzegovina in the meeting of the Council on 10 May, see part II, sect. VII D.

⁵⁹⁵ See [S/PV.9319](#).

the rapid formation of the executive and legislative authorities in the country following the general elections of 2 October 2022. At the same time, the High Representative said that his decisions in October 2022 and April 2023, which had enabled the House of Representatives of the Federation entity to vote on a government suggested by a majority of the members of Parliament, had created a stable and fully functional Federation following seven months of stalemate between the political blocs. He further expressed concern that the secessionist positioning and rhetoric of the leadership of the Republika Srpska had dramatically increased in the reporting period, including the joint statement signed by the ruling parties of the entity on 24 April, which appeared to be an action plan for secession, as it called, *inter alia*, for the Serb judges to withdraw from the Bosnia and Herzegovina Constitutional Court, as well as for establishing a police unit to conduct border monitoring between the entities. Moreover, he added that the question of State property in Bosnia and Herzegovina still needed to be resolved by consensus and that the authorities of Republika Srpska continued to disregard the final and binding decisions of the Constitutional Court by attempting to regulate the matter, in violation of those decisions.

The High Representative stated that trust-building was an indispensable element of the efforts to ensure sustainable peace and progress in Bosnia and Herzegovina. Regarding the denial of the Srebrenica genocide and the glorification of war criminals, the High Representative stated that it continued to be a problem, and that remembrance, memorialization and truth-telling for future generations were preconditions for peaceful coexistence among the various groups in the country. He added that even after the International Tribunal for the former Yugoslavia (ICTY) had done its work, the prosecution of genocide, war crimes and crimes against humanity needed the full support of the international community.⁵⁹⁶ The High Representative concluded by stating that Bosnia and Herzegovina's sovereignty and territorial integrity were not negotiable and respect for the country's constitutional, legal and institutional framework was the cornerstone of long-lasting peace, stability and progress.

During the discussion that ensued, delegations welcomed the formation of the new Government on 28 April 2023, following the general elections in October 2022. Several

⁵⁹⁶ For further information about the item entitled "International Residual Mechanism for Criminal Tribunals", see part I, sect. 25.

speakers⁵⁹⁷ highlighted the granting to Bosnia and Herzegovina of European Union accession candidate status as an opportunity to advance necessary reforms in the country. In that regard, some delegations⁵⁹⁸ underscored the need for all stakeholders to fulfil the 14 key priorities identified by the European Commission for accession negotiations. Council members expressed concern about the divisive inter-ethnic and secessionist rhetoric and initiatives from Republika Srpska leadership. Against that backdrop, some members underscored the importance of the continuing support of the Security Council for the implementation of the Dayton Peace Agreement, including for the High Representative and his Office.⁵⁹⁹ While most delegations expressed their full support for the role and mandate of the High Representative, some speakers⁶⁰⁰ voiced reservations about the use of his executive powers. In that context, several speakers⁶⁰¹ emphasized the need for implementation of the “5 plus 2” agenda, which was the condition for the closure of the Office. The representatives of China and the Russian Federation, on the other hand, expressed their disagreement with the selection process for the High Representative, as there had not been a decision from the Council in that regard.⁶⁰² Furthermore, the Russian representative demanded that the process of dialogue and consensus in the Peace Implementation Council Steering Board was resumed, adding that the Office of the High Representative should be closed as soon as possible. With regard to sanctions, the representative of China pointed out that unilateral sanctions not authorized by the Council had no foundation in international law and would not help to ease the differences among the various parties and might intensify tensions. Most Council members⁶⁰³ recognized the importance of the role of the European Union Military Operation in Bosnia and Herzegovina (EUFOR-Althea) in maintaining security and stability in the country and region. The representative of the Russian Federation, on the other hand, expressed his disappointment by the latest EUFOR-Althea report, whose mandate did not include providing an assessment of the internal political situation in the country, and yet

⁵⁹⁷ See [S/PV.9319](#), (Malta, Ghana, Albania, France, Japan and European Union).

⁵⁹⁸ *Ibid.*, (Malta, Gabon, Albania, France and European Union).

⁵⁹⁹ *Ibid.*, (Ghana, Ecuador, United Kingdom, and United States).

⁶⁰⁰ *Ibid.*, (Brazil, Ghana and China).

⁶⁰¹ *Ibid.*, (Brazil, Ghana, Ecuador, Albania, United Kingdom, France and Switzerland).

⁶⁰² *Ibid.*, (China and Russian Federation).

⁶⁰³ *Ibid.*, (Malta, Gabon, Ecuador, United Arab Emirates, Albania, United Kingdom, China, France, United States and Switzerland).

had included such an assessment, and recommended for its leadership to focus on conducting assessments of the security situation.

On 2 November, the Council held its second semi-annual debate on the situation in Bosnia and Herzegovina.⁶⁰⁴ At the outset of the meeting, the Council unanimously adopted resolution [2706 \(2023\)](#) under Chapter VII of the Charter, by which it renewed the authorization of EUFOR-Althea for a period of 12 months, starting from the date of the adoption of the resolution, in cooperation with the North Atlantic Treaty Organization (NATO) Headquarters presence in accordance with the arrangements agreed between NATO and the European Union as communicated to the Security Council in their letters of 19 November 2004, which recognized that EUFOR ALTHEA would have the main peace stabilization role under the military aspects of the Peace Agreement.⁶⁰⁵

In the ensuing debate, most delegations welcomed the unanimous adoption of the resolution renewing the mandate of EUFOR-Althea, as it remained essential for the maintenance of peace and security in Bosnia and Herzegovina, based on the Dayton Peace Agreement. With regard to the civilian aspects of the Dayton Peace Agreement, a number of speakers⁶⁰⁶ reiterated their support for the mandate of the High Representative and his Office. The representative of the United States stressed that the reports of the High Representative, in line with precedent and the requirements of resolution [1031 \(1995\)](#), were vital to keeping the international community informed about the ongoing efforts to ensure enduring stability and prosperity in the region and underscored that the Council had no role in choosing or appointing the High Representative, which was the responsibility of the Peace Implementation Council. The representative of the Russian Federation, on the other hand, reiterated that the Office of the High Representative had long become obsolete and must be closed as soon as possible. The Chairman of the Presidency of Bosnia and Herzegovina stated that he supported the existence of the Office of the High Representative until the realization of the “5 plus 2” conditions created an environment for its

⁶⁰⁴ See [S/PV.9466](#).

⁶⁰⁵ Resolution [2706 \(2023\)](#), paras. 1 and 2.

⁶⁰⁶ See [S/PV.9466](#) (Switzerland, United States, France, United Arab Emirates, Mozambique, Ecuador, Japan, United Kingdom, Albania, European Union and Croatia).

closure. Furthermore, some delegations⁶⁰⁷ exercised caution regarding the use of the Bonn powers by the High Representative, stating that that was an extreme solution to be avoided whenever possible. Several Council members stressed the necessity for the Council to maintain its full support for the implementation of the Dayton Peace Agreement.⁶⁰⁸ Lastly, some Council members stressed the need to enhance the participation of women in the political arena.⁶⁰⁹

Meetings: The situation in Bosnia and Herzegovina, 2023

<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.9319 10 May 2023			Bosnia and Herzegovina, Croatia, Serbia	High Representative for Bosnia and Herzegovina, Head of the Delegation of the European Union to the United Nations	All Council members, all invitees ^a	
S/PV.9466 2 November 2023		Draft resolution submitted by Switzerland (S/2023/816)	Bosnia and Herzegovina, Croatia, Serbia	Head of the Delegation of the European Union to the United Nations	All Council members, all invitees ^a	Resolution 2706 (2023) 15-0-0 (adopted under Chapter VII)

^a Bosnia and Herzegovina was represented by its Chair of the Presidency.

⁶⁰⁷ Ibid., (Brazil and China).

⁶⁰⁸ Ibid., (Switzerland, Ecuador, Russian Federation, United Kingdom and Ghana).

⁶⁰⁹ Ibid. (Switzerland, Ecuador, Ghana and Malta).