

18. Items relating to the situation in the former Yugoslavia

A. The situation in Bosnia and Herzegovina

During 2022, the members of the Security Council held two meetings and adopted one resolution under Chapter VII of the Charter in connection with the situation in Bosnia and Herzegovina. The two meetings took the format of a debate.⁶¹⁰ More information about the meetings, including on participants and speakers, is provided in the table below.⁶¹¹

On 11 May 2022, the Council heard a briefing by the High Representative for Bosnia and Herzegovina. At the outset of the meeting, prior to the briefing, the representatives of the Russian Federation and China asked to take the floor. The representative of the Russian Federation said that his delegation did not consider Mr. Christian Schmidt to be the legitimate High Representative for Bosnia and Herzegovina as the Council had not approved his appointment to that position. He added that the argument that his appointment had allegedly taken place in accordance with the decision of the Steering Board of the Peace Implementation Council did not stand up to criticism and believed that the post of the High Representative remained vacant. In that connection, he said that the Russian Federation saw no basis for inviting Mr. Schmidt to meetings of the Council as High Representative and that his presence in the Chamber in that capacity undermined the authority of the Council and of the United Nations in general. He pointed out that at the same time the Council had a practice that allowed individuals to brief the Council in their personal capacity in order to determine whether their further participation was required and added that this was how his delegation viewed the presence of Mr. Schmidt at the meeting.⁶¹² The representative of China stated that according to the Dayton Peace Agreement, the role of the Council in appointing a High Representative was indispensable and had been established practice. He added that in the light of the fact that the appointment of Mr.

⁶¹⁰ For more information on the format of meetings, see part II.

⁶¹¹ See [A/77/2](#), part II, chap. 7.A.

⁶¹² See [S/PV.9029](#).

Schmidt had not been endorsed by the Council, China believed that it was inappropriate for him to brief the Council in the capacity as High Representative for Bosnia and Herzegovina.⁶¹³

In his briefing, the High Representative provided updates on developments in connection with his latest report.⁶¹⁴ At the outset, he noted that, as in the previous period, authorities of the Republika Srpska continued to embrace rhetoric and actions, including the adoption of legislation, that could undermine the constitutional framework of Bosnia and Herzegovina.⁶¹⁵ In that regard, he added that what the Republika Srpska authorities were pursuing through the unilateral withdrawal from agreements on the transfer of competencies to the State would, if followed through, achieve a de facto secession of the entity by opting out of the constitutional framework and assuming the competencies of a State. He underlined that the entities of Bosnia and Herzegovina existed by virtue of the Constitution and, as a constitutional part of the State, they had no right to secede. He added that announced moves by the Republika Srpska authorities undermined the sovereignty of Bosnia and Herzegovina and that as a representative of the Steering Board of the Peace Implementation Council, he was committed to preserving the country's sovereignty and territorial integrity. In that regard, he informed that with the support of the Steering Board of the Peace Implementation Council, he had used his executive authority as High Representative to issue decisions as a countermeasure to the illegal and destabilizing actions taken by the Republika Srpska authorities. The High Representative added that if constitutional order was to be amended or improved, that must be done by elected representatives working to find a legal solution. He also noted that while an agreement on electoral reforms had not been reached despite two years of negotiations, the elections could and would be held on schedule in October, just as general elections had been conducted on schedule in 2018, and added that the holding of regular, fair and free elections was a requirement under the General Framework Agreement for Peace. Additionally, he reported to have met with those responsible for Western Balkans policy in several capitals, especially those of the assembled members of the Steering Board, not only because of the urgency of the current situation, but also

⁶¹³ For more information on the discussion concerning the High Representative for Bosnia and Herzegovina, see part II, sect. VII.

⁶¹⁴ See [S/2022/374](#).

⁶¹⁵ See [S/PV.9029](#).

because of the necessity of re-engaging the capitals in completing the tasks at hand. In that regard, he noted that the Russian Federation, as a member of the Peace Implementation Council, had suspended its participation. The High Representative further noted that the fulfilment of the 5 plus 2 agenda and the European Union recommendations would not only resolve certain grievances, but also contribute to lasting peace and stability.

During the discussion that ensued, Council members expressed concern with the continuing political stalemate and instability in Bosnia and Herzegovina. Speakers condemned particularly the deeply divisive ethnic rhetoric from political leaders and the increase in reported inter-ethnic tensions, fuelled by hate speech, genocide denial and glorification of war criminals. In that connection, several Council members noted that the recent initiatives by the Republika Srpska leadership to withdraw from State-level institutions in violation of the national Constitution and the Dayton Agreement were likely to undermine the security and territorial integrity of Bosnia and Herzegovina.⁶¹⁶ In addition, the representative of the United States noted that calls to obstruct elections or create a new territorial organization by Bosnian Croat leaders were also dangerous and could undermine peace and security in the region. In that context, a number of speakers expressed support for the presence of the European Union-led Military Operation in Bosnia and Herzegovina (EUFOR Althea) in maintaining stability in the country.⁶¹⁷ More specifically, the representatives of the United Kingdom and Norway welcomed the increased presence of EUFOR Althea as a precautionary measure. The representative of the Russian Federation, on the other hand, noted with particular concern the increase of EUFOR Althea military contingent, which had been doubled in March. She was of the view that such behaviour raised serious questions about the added value of the continued presence of the European Union forces in Bosnia and Herzegovina, which had gone from being a source of stability to an element of intimidation and political confrontation.

In view of the general elections scheduled for early October 2023, Council members expressed concern about the lack of progress in the electoral and constitutional reforms due to the political divergencies, as well as the fact that no government had been established in the

⁶¹⁶ Brazil, United Kingdom, Gabon, Albania, France, Mexico and United States.

⁶¹⁷ United Kingdom, Gabon, France, China, Norway, Mexico and European Union.

Federation after the 2018 elections. In that context, several members expressed support for the work of the High Representative and called on all the relevant actors for dialogue, cooperation, and full respect for national institutions.⁶¹⁸ Some members expressed support for the use of the executive powers attributed to the Office of the High Representative, as decided by the Peace Implementation Council.⁶¹⁹ The representative of the Russian Federation, on the other hand, was of the view that attempts to invoke the Bonn Powers were unlawful and legally null and void, as there was no agreement on their use by the international community and also because those emergency tools had been granted personally to the High Representative, whose post remained vacant. In that regard, the Russian representative believed that a frank discussion was needed on practical ways to close the Office of the High Representative as soon as possible, as it had exhausted its positive functions. In that connection, some Council members said that it was important that any disagreement among members of the Steering Board of the Peace Implementation Council be resolved through consensus and constructive engagement, in line with the Peace Agreement.⁶²⁰ Furthermore, several Council members called upon all Bosnian authorities to fulfil the 5 plus 2 agenda, as a prerequisite for the closure of the Office of the High Representative.⁶²¹

On 2 November, 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 [2658 \(2022\)](#) under Chapter VII of the Charter.⁶²² By the resolution, the Council renewed the authorization of 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 the resolution.⁶²³

In the ensuing debate, Council members discussed the most recent report of the High Representative.⁶²⁴ Council members welcomed the unanimous adoption of resolution [2658](#)

⁶¹⁸ United Kingdom, Ireland, Albania, France, Kenya, United Arab Emirates, India, Norway, and United States.

⁶¹⁹ United Kingdom, Albania and Norway.

⁶²⁰ Kenya and India.

⁶²¹ Brazil, Ireland, Albania, Kenya, India, Ghana, Norway, Mexico and United States.

⁶²² See [S/PV.9179](#).

⁶²³ [Resolution 2658 \(2022\)](#), paras.1 and 2.

⁶²⁴ See [S/2022/806](#).

(2022) as well as the renewal of EUFOR-Althea's mandate, and stressed the importance of the role of the European Union military operation in maintaining post-conflict stability and security in Bosnia and Herzegovina. In that regard, the representative of the Russian Federation said that while they were pleased that the document voted upon was depoliticized and purely technical, they were concerned with the doubling of the size of the EUFOR-Althea's contingent, especially as the command of the operation had stated that there were no immediate threats to peace and stability in Bosnia and Herzegovina.⁶²⁵ On the other hand, the representative of Ghana, who was the President of the Council for the month, stated that a substantive resolution would have better helped advance the peace agenda in Bosnia and Herzegovina, and called for the Council's future efforts in that direction.

The majority of speakers welcomed the successful holding of general elections on 2 October. At the same time, a number of speakers acknowledged that the country still faced serious challenges, including the continuation of the ethnic-based and divisive rhetoric, and, in that context, called on all political representatives to ensure the swift formation of a new Government in order to put an end to the political stalemate and paralysis of State institutions.⁶²⁶ The representative of the United States expressed deep concern about the allegations of fraud in the election, particularly in the Republika Srpska presidential race, and encouraged Bosnian institutions to fully address the shortcomings raised by election observers while urging all stakeholders and citizens to pursue any grievances through established channels. With regard to the outcome of the elections, the representative of the Russian Federation noted that an overwhelming majority of voters had opted for the ethnic-oriented and Dayton-based concept of statehood and its fundamental premise about the central role of the constituent peoples.

A number of speakers expressed support for the mandate of the High Representative in overseeing the implementation of the civilian aspects of the General Framework Agreement for Peace.⁶²⁷ Some Council members expressed further support for the use the executive powers of

⁶²⁵ See [S/PV.9179](#).

⁶²⁶ Ireland, Mexico, Norway, France, United States, Albania, Gabon, Brazil, United Kingdom, Ghana and European Union.

⁶²⁷ Ireland, Norway, France, United States, Albania, United Arab Emirates, United Kingdom, Ghana and European Union.

the High Representative, should the situation require it.⁶²⁸ The representative of the Russian Federation, on the other hand, stated that the increased activity of the Office of the High Representative posed additional threats to the peace and stability in the country, which was in direct contradiction to the tasks originally assigned to it. The representative of China also expressed concern that the use of the Bonn Powers had become rather controversial and added that they were a special arrangement out of a specific era. In addition, the representative of India stated that the disagreement over the Office of the High Representative needed to be resolved through constructive engagement, in line with the Agreement for Peace. Finally, the President of the Council regretted the inability of the High Representative to participate in that meeting owing to the lack of consensus on the matter. In that connection, he stated that the collaborative exchanges between the Council and the Office of the High Representative, through his briefings, helped members to better appreciate the complex political situation that pertained to Bosnia and Herzegovina and expressed hope that in the future the Council would be able to resume its established format for the meeting. Several speakers encouraged the authorities of Bosnia and Herzegovina to continue progress on the implementation of the 5 plus 2 agenda by which the Office of the High Representative could complete its mission and the international supervision of Bosnia and Herzegovina would be no longer needed.⁶²⁹

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.9029 11 May 2022	Letter dated 3 May 2022 from the Secretary-General addressed to the President of the Security Council (S/2022/374)		Bosnia and Herzegovina, Croatia, Serbia	High Representative for Bosnia and Herzegovina, Deputy Head of the Delegation of the European Union to the United Nations	All Council members, all invitees ^a	

⁶²⁸ United States, Albania and United Kingdom.

⁶²⁹ Ireland, Mexico, Norway, France, United Kingdom and Kenya.

<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.9179 2 November 2022	Letter dated 25 October 2022 from the Secretary-General addressed to the President of the Security Council (S/2022/806)	Draft resolution submitted by Ireland (S/2022/809)	Bosnia and Herzegovina, Croatia, Serbia	Deputy Head of the Delegation of the European Union to the United Nations	All Council members, ^b all invitees	Resolution 2658 (2022) 15-0-0 (adopted under Chapter VII)

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

^b Ireland was represented by its Minister of State for European Affairs.