

Table 2

Videoconference: the situation in Cyprus

<i>Videoconference date</i>	<i>Videoconference record</i>	<i>Title</i>	<i>Decision, vote (for-against-abstaining) and record of written procedure</i>
29 January 2021	S/2021/99	Letter dated 29 January 2021 from the President of the Security Council addressed to the Secretary-General and the Permanent Representatives of the members of the Security Council	Resolution 2561 (2021) 15-0-0 S/2021/96

17. Items relating to the situation in the former Yugoslavia

A. The situation in Bosnia and Herzegovina

In 2021, the 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 a briefing.⁶¹⁶ More information on the meetings, including on the participants and speakers, is provided in table 1 below. The members of the Council also held one videoconference in connection with the item.⁶¹⁷ More information about the videoconference is provided in table 2 below. In addition, Council members held informal consultations of the whole to discuss the item.⁶¹⁸

In 2021, Council members heard briefings from the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina and by the Officer-in-Charge of the Europe and Central Asia Division of the Department of Political and Peacebuilding Affairs. In addition to Council members, the representatives of Bosnia and Herzegovina participated in the videoconference and the meeting at which briefings were heard.

On 4 May, during his briefing at the open videoconference,⁶¹⁹ the High Representative provided updates on developments in connection with his most recent report.⁶²⁰ At the outset, the High Representative recalled the commemoration of the twenty-fifth

anniversary in 2020 of the General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton Peace Agreement) as a moment of hope and reflection for the country.⁶²¹ In that context, he referred to a set of concrete conclusions that had been adopted by the authorities of the Republika Srpska 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 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 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 sovereignty and territorial integrity of the State. The High Representative welcomed the movement around the electoral reform process but expressed regret that there was mistrust and fear 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 Agreement. 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 and the denial of genocide before the parliament of Bosnia and Herzegovina had failed.

The High Representative referred to some areas in which he remained hopeful, namely the city of Mostar, Sarajevo City and Banja Luka, where new mayors of diverse backgrounds, gender, ethnicity and age had been elected. 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

⁶¹⁶ For more information on the format of meetings, see part II, sect. II.

⁶¹⁷ For more information on the procedures and working methods developed during the COVID-19 pandemic, see part II, sect. I, and *Repertoire, Supplement 2020*, part II, sect. I.

⁶¹⁸ See [A/76/2](#), part II, chap. 6.A. See also [S/2021/1032](#).

⁶¹⁹ See [S/2021/436](#).

⁶²⁰ [S/2021/409](#), annex.

⁶²¹ See [S/2021/436](#).

as the efforts to increase the role of women in peacekeeping missions. Announcing that the briefing could be his last 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, in which 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 until the durable stability and inviolability of Bosnia and Herzegovina were ensured, the international community must retain all the instruments at its disposal to address any potential threat, including 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.

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. Speakers⁶²² 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. A number of Council members⁶²³ also expressed regret for the lack of progress in the implementation of the 5 plus 2 agenda of five objectives and two conditions, mandated by the Council, which was a requirement for the closure of the Office of the High

Representative, and called on the parties to expedite its implementation. Thanking the High Representative for his report, a number of speakers⁶²⁴ requested that the elements of implementation of the women and peace and security agenda be included in future reports. The representative of the Russian Federation, however, contended that the report of the High Representative was not balanced and did not reflect the real situation in Bosnia and Herzegovina. She proposed that the Council consider the report prepared by the Republika Srpska "as a good alternative" and called for the 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 the High Representative refrain from interpreting his mandate too broadly. The representative of China encouraged the High Representative to maintain a constructive dialogue and cooperation with all parties in Bosnia and Herzegovina and noted that the appointment of the High Representative should be handled in accordance with the Dayton Peace Agreement and past practices.

On 29 June, 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 about 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. Those included persistent instances of revisionist narratives, divisive rhetoric, the denial of genocide and war crimes, the glorification of convicted war criminals and hate speech. He reported that, during a 10-day visit to Bosnia and Herzegovina earlier that month, the Special Adviser to the Secretary-General 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 a 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

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

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

⁶²⁴ Estonia, Ireland, Mexico and Norway.

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

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 Steering Board of the Peace Implementation Council 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, many Council members focused on a letter dated 3 June addressed to the Secretary-General⁶²⁶, in which the current High Representative, Valentin Inzko, announced the appointment of his successor, Christian Schmidt, by the Steering Board. According to the letter, Mr. Schmidt would take up his duties on 1 August 2021, upon which Mr. Inzko's resignation would become effective. While most members expressed support for the appointment of the new High Representative, in accordance with the Dayton Peace Agreement, delegations diverged on their positions regarding the appointment procedure.⁶²⁷ Although some⁶²⁸ took note of the appointment by the Steering Board, despite the absence of consensus, others⁶²⁹ cautioned that the Council should have also been consulted in the matter. The representative of the Russian Federation stated that, as a member of the Steering Board, 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, but that nothing of the sort had happened in the case of Mr. Schmidt. Candidates were confirmed by the Steering Board with the consent of the sides in Bosnia and Herzegovina and then approved by the Council, usually in the form of an adopted resolution. Several Member States⁶³⁰ noted that there had been little progress made in the 5 plus 2 agenda and reiterated their call on competent authorities of Bosnia and Herzegovina to take the necessary steps to complete it for the closure of the Office of the High Representative. 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. She emphasized that the process of transferring responsibility to the country's elected officials was an important one, but that 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 Russian Federation and the Minister for Foreign Affairs of Bosnia and Herzegovina made further statements at the end of the meeting.⁶³¹

On 22 July, the Council failed to adopt a draft resolution submitted by China and the Russian Federation owing to the lack of the required number of votes.⁶³² By the draft resolution, the Council would have decided, *inter alia*, to support the appointment of the High Representative for the Implementation of the Peace Agreement on Bosnia and Herzegovina, as stipulated in annex 10 to the Agreement, until 31 July 2022, with the subsequent closure of the Office of the High Representative.⁶³³ 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, Germany, in 1997 were no longer required, given the progress achieved by the parties in Bosnia and Herzegovina.⁶³⁴

Before the vote, statements were made by the representatives of the Russian Federation and China.⁶³⁵ The representative of the Russian Federation 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. He maintained that the positions of certain representatives on the Steering Board of the Peace Implementation Council were not sufficient for the new High Representative to be appointed and noted that the Dayton Peace Agreement and the experience of the past 25 years demonstrated that the role of the Council

⁶²⁶ S/2021/597, annex.

⁶²⁷ See S/PV.8810.

⁶²⁸ France, Tunisia, Norway, United States, Ireland, United Kingdom and Estonia.

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

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

⁶³¹ For more information on the procedures concerning the conduct of business at meetings, see part II, sect. VII.

⁶³² See S/PV.8823. See also S/2021/667.

⁶³³ S/2021/667, para. 3.

⁶³⁴ *Ibid.*, para. 2.

⁶³⁵ See S/PV.8823.

in appointing a new High Representative was irreplaceable. Guided by the Council's 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 China and the Russian Federation 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 situation in Bosnia and Herzegovina, the question of 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 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 Agreement, which was 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 representative of China also stressed that the High Representative system and the powers emanating from the 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 its people and that it did not help the country to 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 the Russian Federation 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 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. They stated that the nomination therefore lacked legitimacy. In explaining their abstentions, Council members expressed full support for the Office of the High Representative and

welcomed the decision of the Steering Board of the Peace Implementation Council to appoint Christian Schmidt as the new High Representative. Several Council members⁶³⁶ considered that the expression of support by the Council was not necessary for the decision of the Steering Board to appoint a new High Representative to take effect. In that regard, they explained that they had abstained in voting on the draft resolution as it would have constrained the powers of the High Representative and imposed a time frame for the closure of the Office of the High Representative. Many Council members⁶³⁷ stated that they had rejected the proposition in the draft resolution to prematurely consider the closure of the Office of the High Representative because not enough progress had been achieved regarding the objectives and conditions of the 5 plus 2 agenda.

On 3 November, the Council held its second biannual debate on the situation in Bosnia and Herzegovina.⁶³⁸ At the outset of the meeting, the Council unanimously adopted resolution [2604 \(2021\)](#) under Chapter VII of the Charter. By the resolution, the Council, inter alia, renewed the authorization of the European Union military operation in Bosnia and Herzegovina (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.⁶³⁹

In the ensuing debate, Council members welcomed the unanimous adoption of resolution [2604 \(2021\)](#) and the renewal of the mandate of EUFOR-Althea and its work towards peace and security in Bosnia and Herzegovina.⁶⁴⁰ 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, and to Mexico, which held the presidency for the month, 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. The representatives of Norway and Estonia expressed regret, however, that the Council had not been able to proceed with the more substantial text, which would have allowed for the Council to reiterate its position on such elements as the European perspective and the Office of the High Representative. Delegations expressed concern about the

⁶³⁶ Ireland, United States, United Kingdom, Mexico and France.

⁶³⁷ Ireland, United States, Estonia, Norway, United Kingdom, Mexico and France.

⁶³⁸ See [S/PV.8896](#).

⁶³⁹ [Resolution 2604 \(2021\)](#), paras. 1 and 2.

⁶⁴⁰ See [S/PV.8896](#).

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 speakers⁶⁴¹ called for the 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. In addition, several speakers⁶⁴² emphasized the importance of the participation of women in decision-making in all its dimensions. Several participants⁶⁴³ 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 most recent report.⁶⁴⁴ A number of Council members underscored, in that regard, the need for progress in the implementation of the 5 plus 2 agenda, which remained the agreed prerequisite for the closure of the Office of the High Representative.⁶⁴⁵ The representative of the Russian Federation reiterated, however, that there had been a circumvention of the 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.

⁶⁴¹ France, Ireland, Saint Vincent and the Grenadines, Norway, United States, Kenya, Estonia, Mexico and European Union.

⁶⁴² France, Ireland, Norway, Estonia, Mexico and European Union.

⁶⁴³ Ireland, United Kingdom, Norway, United States, India and Estonia.

⁶⁴⁴ [S/2021/912](#).

⁶⁴⁵ See [S/PV.8896](#) (Ireland, Saint Vincent and the Grenadines, United Kingdom, Norway, India, Tunisia, Niger, Kenya and Mexico).

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	
S/PV.8823 22 July 2021		Draft resolution submitted by China, 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 ^d	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.

^d The Head of the Delegation of the European Union spoke on behalf of the European Union and its member States, as well as Albania, Montenegro, North Macedonia and Turkey.

Table 2
Videoconference: the situation in Bosnia and Herzegovina

<i>Videoconference date</i>	<i>Videoconference record</i>	<i>Title</i>	<i>Decision, 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	

B. Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)

In 2021, the Council held one meeting in connection with Council resolutions [1160 \(1998\)](#), [1199 \(1998\)](#), [1203 \(1998\)](#), [1239 \(1999\)](#) and [1244 \(1999\)](#), which took the form of a briefing.⁶⁴⁶ More information on the meeting, including on the participants and speakers, is given in table 1 below. The members of the Council also held one videoconference in connection with the item.⁶⁴⁷ More information on the videoconference is given in table 2 below. No decisions were adopted in connection with the item during the period under review.

In 2021, Council members heard briefings by the Special Representative of the Secretary-General for Kosovo and Head of the United Nations Interim Administration Mission in Kosovo (UNMIK) in connection with the reports of the Secretary-General submitted pursuant to resolution [1244 \(1999\)](#).⁶⁴⁸ In line with established practice, statements were also delivered by the representatives of Serbia and Kosovo during the meeting and the open videoconference.

On 13 April, at the open videoconference,⁶⁴⁹ the Special Representative stated that, despite the systemic challenges of the COVID-19 pandemic, early legislative elections had been prepared and successfully conducted across Kosovo on 14 February 2021. The political turbulence that had prevailed in the previous year had made the results of the voting all the more significant for the population. He reported that the turnout for the legislative elections had been high

and that the winning party, Vetëvendosje, had received more than half of all the votes. An examination of the demographics of the voting had revealed a strong desire for change across Kosovo society, for a shift in government responsiveness to the real hopes and needs of its voters and for greater equality of opportunity, accountability and the rule of law. He reported that the new Prime Minister of Kosovo had provided assurances of his understanding of the strategic importance of advancing the dialogue with Belgrade and that the President of Serbia had highlighted the importance of the dialogue for peace and stability and had reiterated his hope for the dialogue to be intensified. The Special Representative also noted that a second woman had been elected to hold the position of President of Kosovo and that leadership by women had continued to grow overall as a result of that election. With regard to the aspirations of both Pristina and Belgrade for progress along the European path, he urged leaders to be mindful of the impact of their public statements, noting that gains to public trust in the process were as fragile as they were essential and that, with a new government in Pristina, it was expected that difficult subjects would be treated with seriousness and diligence. He informed the Council of the activities of UNMIK in engaging across multiple sectors and areas of work in accordance with its mandate, including programmes and projects to empower women and youth in politics and society, to promote innovation and catalyse civic activism and to expand multilingual education, as well as its work engaging regularly with Kosovo authorities and civil society organizations on the monitoring, protection and promotion of human rights. He also urged the authorities to make progress on clarifying the fate of missing persons by engaging with the Pristina-Belgrade Working Group on Missing Persons. He said that the new Government had an important opportunity to transform public narratives. He stated that voters in Kosovo had raised their voices for breaking with the past and expressed hope that the members of the Council would add their clear support for the

⁶⁴⁶ For more information on the format of meetings, see part II, sect. II.

⁶⁴⁷ See [S/2021/1084](#). See also [A/76/2](#), part II, chap. 6.B. For more information on the procedures and working methods developed during the COVID-19 pandemic, see part II, sect. I, and *Repertoire, Supplement 2020*, part II, sect. I.

⁶⁴⁸ [S/2021/332](#) and [S/2021/861](#).

⁶⁴⁹ See [S/2021/370](#).