

21. Items relating to the situation in the former Yugoslavia

A. The situation in Bosnia and Herzegovina

Overview

During 2012 and 2013, the Security Council held six meetings on the situation in Bosnia and Herzegovina and adopted two resolutions. The High Representative for Bosnia and Herzegovina briefed the Council four times during the period under review on the evolving political and security situation, as well as the current and future challenges facing the country. During those meetings, the Council discussed the progress achieved and the remaining challenges in the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton Peace Agreement),⁶⁷² as well as the activities of the Office of the High Representative and the relationship of Bosnia and Herzegovina with the European Union.

The Council twice extended the authorization of the European Union Force (EUFOR)-Althea and the North Atlantic Treaty Organization (NATO) presence, for periods of 12 months, including authorization for the participating Member States to take all necessary measures to assist both organizations in carrying out their missions.⁶⁷³

Briefings by the High Representative on progress achieved on the implementation of the Dayton Peace Agreement and subsequent setbacks

On 15 May 2012, the Council was briefed by the High Representative for Bosnia and Herzegovina on recent developments presented also in his latest report.⁶⁷⁴ He outlined the progress recently achieved in the implementation of the Dayton Peace Agreement, most notably the appointment of a Bosnian Croat Prime Minister which followed the principle of rotation of ethnicity, and the agreement reached by the six main parties on the ownership of defence and State property, two of the issues identified as preconditions for the closure of the Office of the High Representative. As the political process was based on dialogue, 2012 in his view could indeed be a breakthrough year on the path towards full Euro-Atlantic integration. Several

challenges remained, however, including the continuity of divisive political agendas challenging the Dayton Peace Agreement and the territorial integrity of Bosnia and Herzegovina, as well as the considerable delays in adopting the State budget.⁶⁷⁵

Council members generally welcomed the significant progress achieved by Bosnia and Herzegovina during the reporting period, particularly in forming a national Government, advancing towards Euro-Atlantic integration and accession to the NATO membership action plan, as well as in meeting the criteria of the Peace Implementation Council for closing the Office of the High Representative. Nonetheless, speakers also called on all parties to address the wide range of remaining political and economic challenges to establish a new, multi-ethnic society and shared the concerns raised by the High Representative with regard to the continuing nationalistic rhetoric used by senior officials challenging Bosnian sovereignty and the authority of the High Representative, and attempting to roll back past reforms. The representative of the Russian Federation, stating that the analysis of the High Representative was still tainted by a biased criticism of the leadership of the Bosnian Serbs, affirmed that despite the ongoing differences inter-Bosnian dialogue was moving forward, and underlined his opposition to interference by the international community in the internal Bosnian negotiation process. He stated that the Russian Federation was categorically opposed to the arbitrary use by the High Representative of his Bonn powers, emphasizing that the use of emergency measures could be justified only in exceptional circumstances by gross violations of the Dayton Peace Agreement that were likely to destabilize the situation in Bosnia and Herzegovina. He also said, with regard to the possible strengthening of the European Union military operation in Bosnia and Herzegovina as a step towards closing down the Office of the High Representative, that a precondition of the successful work of the offices of the High Representative and the European Union Special Representative should be strict respect of their mandates.⁶⁷⁶

⁶⁷² S/1995/999.

⁶⁷³ See resolutions 2074 (2012) and 2123 (2013). For more information on EUFOR-Althea, see part VIII, sect. III, "Peacekeeping operations led by regional arrangements".

⁶⁷⁴ S/2012/307.

⁶⁷⁵ S/PV.6771, pp. 2-4.

⁶⁷⁶ Ibid., pp. 15-16.

On 13 November 2012, the High Representative for Bosnia and Herzegovina presented his latest report to the Council covering developments from April to October of that year.⁶⁷⁷ Stating that Bosnia and Herzegovina was irreversibly on track towards integration into the European Union and NATO, the High Representative noted that it had been a full year since the transition and reconfiguration of the international presence in that country, with the decoupling of the office of the European Union Special Representative from the Office of the High Representative and its incorporation into the stand-alone European Union delegation. He regretted nonetheless that gains made earlier in the year, including the appointment of a central Government and the adoption of the State budget, had not brought progress; rather, a dispute concerning the reconfiguration of the governing coalition, which had diverted attention from pressing challenges, had led to administrative and legislative gridlock. Another issue of concern had been the intensification of secessionist rhetoric emanating from the Republika Srpska leadership. At the same time he noted the positive developments, including the closing of the Office of the High Representative in the Brcko district on 31 August 2012, with the local authorities taking full responsibility for the local affairs, and the landmark ruling by the Constitutional Court of Bosnia and Herzegovina affirming the primacy of the State's ownership of public property, which was the second of the five objectives for the closing of his Office. The High Representative stated that the municipal elections on 7 October had passed largely without incident and noted that in Srebrenica, despite some controversy surrounding the registration and counting, they had resulted in the election of a Bosniak Mayor and an equal distribution of seats between Serbs and Bosniaks in the Municipal Assembly. He further noted that the still heavily divided city of Mostar had been the only community in the country that did not hold local elections.⁶⁷⁸

Speakers generally welcomed the fact that the overall security situation in the country remained stable and praised the successful local elections organized and conducted solely by Bosnians as a significant political achievement for the country. Many speakers however expressed their general

disappointment at the stagnation and setbacks in the past six months, condemned the intensification of divisive and nationalistic rhetoric that could undermine the sovereignty and territorial integrity of Bosnia and Herzegovina, and affirmed that the situation required the full attention of the Council. While agreeing that the situation in Bosnia and Herzegovina had deteriorated somewhat over the past six months, the representative of the Russian Federation stated that the main task of the international community in the current phase of the Bosnian settlement process was to transfer responsibility to the Bosnians themselves. He reiterated his position in favour of abolishing the Office of the High Representative and welcomed the suspension of the Office of the Brcko Supervisor as a first step in that direction.⁶⁷⁹ The representative of Pakistan, on the other hand, stated that, due to the lack of progress on the implementation of the "5 plus 2" agenda, the time was not right for considering the closure of the Office of the High Representative and that, in the present circumstances, there were in fact compelling reasons for the continuity of that mission.⁶⁸⁰ Several speakers, stressing that Bosnia and Herzegovina was a State of all its citizens, regardless of ethnicity or faith, called for the implementation of the verdict of the European Court of Human Rights in the *Sejdić-Finci* case of 22 December 2009.

Extension of the authorization of European Union Force-Althea

On 14 November 2012, the Council unanimously adopted resolution [2074 \(2012\)](#), by which it, inter alia, welcomed the reconfiguration of EUFOR-Althea, completed in September 2012, with a reduced number of forces, as well as the readiness of the European Union to continue an executive military role to support the efforts of Bosnia and Herzegovina to maintain a safe and secure environment, under a renewed United Nations mandate. Acting under Chapter VII of the Charter, the Council authorized the re-establishment of EUFOR-Althea for a further period of 12 months, as well as the continuation of a NATO Headquarters, and also authorized Member States to take all measures necessary to effect implementation of and to ensure compliance with the Peace Agreement.

⁶⁷⁷ [S/2012/813](#).

⁶⁷⁸ [S/PV.6860](#), pp. 2-4.

⁶⁷⁹ *Ibid.*, pp. 8-9.

⁶⁸⁰ *Ibid.*, p. 7.

Briefing by the High Representative on the deterioration of the political and economic situation in Bosnia and Herzegovina

On 14 May 2013, the High Representative for Bosnia and Herzegovina stated that in the previous six months the political leaders had again failed to reach the compromises necessary to meet the requirements of Euro-Atlantic integration and to tackle serious economic and social challenges facing the country. He further noted that recent developments had been dominated by the deepening political and constitutional crisis in the Federation, where the newly elected parliamentary majority had not been able to remove the existing Government, and which had culminated in the arrest of the President of the Federation on 26 April. On the other hand, there had been some positive aspects, namely, the smooth reshuffling of the Republika Srpska Government in March, the regular meetings of the Council of Ministers and the adoption of the budget on time for the first time in two years. The High Representative also said that the presence of the European Union and NATO military missions had continued to assure a stable security situation on the ground.⁶⁸¹

Many speakers regretted the further deterioration of the political and economic situation in Bosnia and Herzegovina, where personal and political interests were taking priority over the most pressing needs of the country. While welcoming the recent developments outlined by the High Representative, speakers reaffirmed the need for the parties to engage in a constructive dialogue and work together to meet the criteria of the “5 plus 2” agenda, which would pave the way towards European Union and NATO membership as well as the eventual closure of the Office of the High Representative. The representative of the Russian Federation agreed that the situation in Bosnia and Herzegovina continued to worsen, arguing that the exacerbation of antagonism between the two primary Bosnian parties had undermined the effectiveness of the intra-Bosnian dialogue, creating complications for the central Bosnian institutions.⁶⁸²

⁶⁸¹ [S/PV.6966](#), pp. 2-4.

⁶⁸² *Ibid.*, pp. 8-9.

Extension of the authorization of European Union Force-Althea and briefing by the High Representative

On 12 November 2013, the Council unanimously adopted resolution [2123 \(2013\)](#), in which it, acting under Chapter VII of the Charter, reminded the parties that, in accordance with the Peace Agreement, they had committed themselves to cooperate fully with all entities involved in the implementation of that peace settlement. The Council also authorized the re-establishment of EUFOR-Althea for a further period of 12 months, as well as the maintenance of a NATO Headquarters, stressing that the parties should continue to be held equally responsible for compliance with the Peace Agreement and should be equally subject to enforcement action by EUFOR-Althea and the NATO presence as necessary.

On the same day, at another meeting, the High Representative stated that, less than a year before the next general elections, the political leaders of Bosnia and Herzegovina were still failing to make a serious effort towards progress on Euro-Atlantic integration. There had been demonstrations throughout the country by which the public had expressed its dissatisfaction with the inertia of elected leaders. Although the general trend of the previous six months had been negative, the High Representative affirmed that there had been some exceptions, such as the first successful population census conducted in 20 years and the diminished intensity of political crisis in the Federation.⁶⁸³

Reiterating that the security situation in Bosnia had remained stable over the reporting period, speakers welcomed the significant developments described by the High Representative, as well as his work in implementing the Dayton Peace Agreement. Most speakers highlighted their concern regarding the lack of significant and tangible progress to implement the pending prerequisites of the “5 plus 2” agenda. They also reiterated their appeal to the political leadership of Bosnia and Herzegovina to implement the decision of the European Court of Human Rights in the *Sejdić-Finci* judgement to ensure the protection of rights of ethnic minority groups, a prerequisite for European integration. The representative of the Russian Federation maintained that decisions on key issues of the Bosnian settlement process should be made in agreed-on international forums such as the Security

⁶⁸³ [S/PV.7057](#), pp. 2-3.

Council and the Steering Board of the Peace Implementation Council, whose consensus-based work was crucial.⁶⁸⁴

While asserting that the security situation in her country remained calm and stable, and regretting that the obvious improvement in regional cooperation had not been clearly emphasized in the report of the High

Representative,⁶⁸⁵ the representative of Bosnia and Herzegovina recognized the current standoff in the political process and the necessity to develop a positive atmosphere that would foster constructive political dialogue and lead to a resolution of the outstanding issues.⁶⁸⁶

⁶⁸⁴ Ibid., pp. 8-9.

⁶⁸⁵ [S/2013/646](#).

⁶⁸⁶ [S/PV.7057](#), pp. 18-19.

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.6771 15 May 2012	Letter dated 9 May 2012 from the Secretary-General addressed to the President of the Security Council (S/2012/307)		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, Croatia, Serbia, all invitees under rule 39	
S/PV.6860 13 November 2012	Letter dated 6 November 2012 from the Secretary-General addressed to the President of the Security Council (S/2012/813)		Bosnia and Herzegovina, Croatia, Serbia	High Representative for Bosnia and Herzegovina, Head of the Delegation of the European Union	All Council members, Croatia, Serbia, all invitees under rule 39 ^a	
S/PV.6861 14 November 2012	Letter dated 6 November 2012 from the Secretary-General addressed to the President of the Security Council (S/2012/813)	Draft resolution submitted by Azerbaijan, France, Germany, Italy, Portugal, Russian Federation, United Kingdom, United States (S/2012/830)	Bosnia and Herzegovina, Italy			Resolution 2074 (2012) 15-0-0 (adopted under Chapter VII)
S/PV.6966 14 May 2013	Letter dated 3 May 2013 from the Secretary-General addressed to the President of the Security Council (S/2013/263)		Bosnia and Herzegovina, Croatia, Serbia	High Representative for Bosnia and Herzegovina, Head of the Delegation of the European Union	All Council members, all invitees	

<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.7055 12 November 2013	Letter dated 5 November 2013 from the Secretary-General addressed to the President of the Security Council (S/2013/646)	Draft resolution submitted by Azerbaijan, France, Germany, Italy, Luxembourg, Russian Federation, United Kingdom, United States (S/2013/652)	Bosnia and Herzegovina, Germany, Italy			Resolution 2123 (2013) 15-0-0 (adopted under Chapter VII)
S/PV.7057 12 November 2013	Letter dated 5 November 2013 from the Secretary-General addressed to the President of the Security Council (S/2013/646)		Bosnia and Herzegovina, Croatia, Serbia	High Representative for Bosnia and Herzegovina, Head of the Delegation of the European Union	All Council members and all invitees	

^a The Deputy Head of the Delegation of the European Union to the United Nations made the statement.

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

Overview

During the period under review, the Security Council held eight meetings in connection with the item entitled “Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)”. At those meetings, the Council discussed the political developments in Kosovo, focusing on the need for Belgrade and Pristina to resume the European Union-facilitated bilateral dialogue, as well as implementation of the first agreement on principles governing the normalization of relations between Pristina and Belgrade. The Council also focused on the work of the United Nations Interim Administration Mission in Kosovo (UNMIK),⁶⁸⁷ as well as the role of the European Union Rule of Law Mission in Kosovo (EULEX), the Kosovo Force (KFOR), and the Organization for Security and Cooperation in Europe (OSCE).

Briefing on the situation in Kosovo and activities of UNMIK

On 8 February 2012, the Council was briefed by the Assistant Secretary-General for Peacekeeping Operations, who noted that while the situation in Kosovo had calmed down it was still fragile. He urged the Council to renew its attention in order to resolve long-standing differences between the parties and to consolidate long-term peace and stability in the region. Regarding northern Kosovo, he referred to the efforts of UNMIK, EULEX and KFOR to stabilize the situation. He also reported on considerable progress in the European Union-facilitated dialogue between Pristina and Belgrade. Furthermore, he urged both sides to maintain their commitment to engaging in a constructive dialogue.⁶⁸⁸

The representative of Serbia appealed to the new members of the Council to continue to refrain from recognizing any solution to the “Kosovo problem” that was not the product of an agreement between the parties. Commenting on the Secretary-General’s

report,⁶⁸⁹ he concurred with the call to support the role of UNMIK, especially in facilitating engagement between all stakeholders. He further expressed the view that pursuing outcomes outside the framework of negotiations, including through seeking new recognitions of the unilateral declaration of independence, as well as attempts to “force one’s way into international organizations”, were both futile and counterproductive.⁶⁹⁰

On the other hand, Mr. Enver Hoxhaj, while highlighting the progress achieved, as well as current challenges in Kosovo, stated that full recognition of the country’s independence remained an important goal for the Government of Kosovo. He expressed the view that Serbia should implement its obligations under the agreements with Kosovo, stating that “agreements are not worth anything if they were not implemented in practice”. He maintained that the implementation of the Ahtisaari plan was the best framework for political and democratic participation of all Kosovo Serbs.⁶⁹¹

In their comments, Council members stressed the need for both sides to remain committed to the European Union-facilitated dialogue in order to reach a lasting peace and stability in the region. Many speakers expressed appreciation for the efforts of UNMIK in collaborating with EULEX and KFOR to calm tensions in the north of Kosovo, as well as in facilitating stability in the region.⁶⁹² A number of speakers supported the work of the EULEX Special Investigative Task Force mandated to investigate all allegations of human organ trafficking,⁶⁹³ while others expressed the view that such an investigation should proceed under the auspices of the Security Council and United Nations.⁶⁹⁴

⁶⁸⁹ S/2012/72.

⁶⁹⁰ S/PV.6713, pp. 4-6.

⁶⁹¹ Ibid., pp. 6-11.

⁶⁹² Ibid., p. 4 (Serbia); p. 12 (Russian Federation); p. 13 (China); p. 14 (Germany); p. 16 (Azerbaijan); and p. 21 (Pakistan)..

⁶⁹³ Ibid., p. 7 (Mr. Hoxhaj); p. 15 (Germany); p. 17 (India); p. 18 (United Kingdom); p. 19 (France); pp. 20-21 (Portugal); p. 23 (Colombia); and p.25 (United States).

⁶⁹⁴ Ibid., p. 6 (Serbia); p. 12 (Russian Federation); p. 13 (China); and p. 16 (Azerbaijan).

⁶⁸⁷ For more information on the mandate of UNMIK, see part X, sect. I, “Peacekeeping operations”.

⁶⁸⁸ S/PV.6713, pp. 2-4.